

Resettlement Plan

January 2023

Philippines: South Commuter Railway Project - Tranche 1

Tunnel Section

Volume 1: Main Report Landowners, Non-Landowners and Non-Resident Business Owners

Prepared by the Department of Transportation for the Asian Development Bank.

This resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of this website.

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Resettlement Action Plan

for

Landowners, Non-Landowners and Non-Resident Business Owners

January 2023

North-South Commuter Railway Project – Calamba Extension
(Tunnel Section)

Volume 1
Main Report

Prepared by the Department of Transportation for the Asian Development Bank.

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ACRONYMS

Agencies

ADB	Asian Development Bank
BCDA	Bases Conversion and Development Authority
BIR	Bureau of Internal Revenue
BSP	Bangko Sentral Ng Pilipinas
CDA	Cooperative Development Authority
CDC	Clark Development Corporation
CELA	Certificate of Entitlement to Lot Allocation
CHR	Commission on Human Rights
CIAC	Clark International Airport Corporation
DA	Department of Agriculture
DAR	Department of Agrarian Reform
DENR	Department of Environment and Natural Resources
DepEd	Department of Education
DHSUD	Department of Human Settlements and Urban Development
DILG	Department of the Interior and Local Government
DOF	Department of Finance
DOH	Department of Health
DOLE	Department of Labor and Employment
DOTr	Department of Transportation
DPWH	Department of Public Works and Highways
DSWD	Department of Social Welfare and Development
DTI	Department of Trade and Industry
EMB	Environmental Management Bureau
HDMF	Home Development Mutual Fund

HGC	Home Guaranty Corporation
HLURB	Housing and Land Use Regulatory Board
HUDCC	Housing and Urban Development Coordinating Council
JICA	Japan International Cooperation Agency
MMSP	Metro Manila Subway Project
NHA	National Housing Authority
NHMFC	National Home Mortgage Finance Corporation
OSG	Office of the Solicitor General
PCUP	Presidential Commission for the Urban Poor
PNR	Philippine National Railways
PNP	Philippine National Police
POEA	Philippine Overseas Employment Administration
SBC	Small Business Corporation
SEC	Securities and Exchange Commission
SHFC	Social Housing Finance Corporation
SMED	Small and Medium Enterprise Development
TESDA	Technical Education and Skills Development Authority
WB	World Bank

Others

ADRI	Agreement to Demolish and Remove Improvements
AHP	Affordable Housing Program
AP	Affected Person
BP	Batas Pambansa
BPLO	Business Permit and Licensing Office
BLGU	Barangay Local Government Unit
BOQ	Bill of Quantities
BSAAC	Beneficiary Selection, Awards and Arbitration Committee

CA	Commonwealth Act
CA	Community Association
CADT	Certificate of Ancestral Domain Title
CAO	City Agriculture Office
CBIA	Community Based Initiative Approach
CDO	City Development Office
CEC	Certificate of Employment and Compensation
CGT	Capital Gains Tax
CIA	Clark International Airport
CIAP	Construction Industry Association of the Philippines
CLOA	Certificates of Land Ownership Award
CMDF	Construction and Manpower Development Foundation
CMP	Community Mortgage Program
CNO	Certificate of No Overlap
CSO	Civil Society Organizations
CSWDO	City Social Welfare and Development Office
CTS	Contract-to-Sell
DD	Detailed Design
DILEEP	DOLE's Integrated Livelihood and Emergency Employment Program
DMS	Detail Measurement Survey
DOAS	Deed of Absolute Sale
DRAM	DPWH's ROW Acquisition Manual
DST	Documentary Stamps Tax
ECC	Environmental Compliance Certificate
EJS	Extra Judicial Settlement
EMA	External Monitoring Agent
EMP	Environmental management Plan
EO	Executive Order

EP	Emancipation Patents
ES	Engineering Support
ESRL	Environment, Resettlement, Row, Legal
EWT	Expanded/Creditable Withholding Tax
FBI	Field Based Investigation
FGD	Focus Group Discussion
FS	Feasibility Study
GAA	General Appropriations Act
GAF	Grievance Action Form
GC	General Consultant
GCR	Greater Capital Region
GFI	Government Financing Institution
GOCC	Government Owned and Controlled Corporation
GoP	Government of the Philippines
GRM	Grievance Redress Mechanism
GSIS	Government Service Insurance System
HLA	Housing Loan Appreciation
HOA	Home Owner Association
IA	Implementing Agency
ICCs	IPs/Indigenous Cultural Communities
IEC	Information, Education and Communication
IP	Indigenous Peoples
IPA	Independent Property Appraiser
IPP	Indigenous Peoples Plan
IPRA	Indigenous Peoples Rights Act
IROW	Infrastructure Right-of-Way
IRR	Implementing Rules and Regulations
ISF	Informal Settler Family
JDT	JICA Design Team

KEGs	Key Employment generators
KII	Key Informant Interview
KSA	Key Shelter Agency
LAPRAP	Land Acquisition Plan and Resettlement Action Plan
LARRIPP	Land Acquisition, Resettlement, Rehabilitation, and Indigenous People's Policy
LEIPO	Local Economic and Investment Promotions Office
LGC	Local Government Code
LGU	Local Government Unit
LHB	Local Housing Board
LHO	Local Housing Offices
LIAC	Local Inter-Agency Committee
LMA	Labor Market Assessment
LMB	Land Management Bureau
LO	Landowner
LOG	Letter of Guaranty
LRIP	Livelihood Restoration and Improvement Program
LRT	Light Railway Transit
LSP	Livelihood Seeding Program
MAT	Manpower Assistance Team
MFIs	Microfinance Institutions
MOA	Memorandum of Agreement
MRT	Mass Railway Transit
MSME	Micro Small and Medium Enterprises
MSVS	Membership Status Verification Slip
MSWD	Municipal Social Welfare and Development
NAMRIA	National Mapping and Resource Information Authority
NCC	New Clark City
NCIP	National Commission for Indigenous Peoples
NCR	National Capital Region

NGA	National Government Agency
NGOs	Non-Government Organization
NLEX	North Luzon Expressway
NOA	Noticed of Award
NoT	Notice of Taking
NSCR-Ex	North-South Commuter Railway Extension
NSRP	North South Railway Project
NTP	Notice to Proceed
OCC	Operations Control Center
OCT	Original Certificate of Title
ODA	Official Development Assistance
OTB	Offer to Buy
PAFs	Project Affected Families
PAHs	Project Affected Households
PESO	Public Employment Service Office
PhP	Philippines Peso
PIAC	Project Inter-Agency Committee
PIB	Project Information Brochure
PLCQ	Preliminary Loan Counselling Questionnaire
PMO	Project Management Office
PO	People's Organization
PROW	Project Right-of-Way
PSA	Philippine Statistics Authority
PTE	Permit to Enter
PWD	Person with Disability
RA	Republic Act
RAP	Resettlement Action Plan
RCS	Replacement Cost Survey
RD	Registry of Deeds

RFO	Right of First Offer
RFR	Ready-For-Occupancy
RIMC	RAP Implementation Management Committee
RLRs	Renters/Lessees/Rent-Free Occupants
ROW	Right-of-Way
RROW	Road Right-of-Way
ROWSA	Right-of-Way and Site Acquisition
ROWSAM	Right-of-Way and Site Acquisition Manual
RPT	Real Property Tax
SCM	Stakeholders Consultation Meeting
SCTEx	Subic-Clark-Tarlac Expressway
SES	Socio-Economic Survey
SPA	Special Power of Attorney
SPISC	Social Pension Program for Indigent Senior Citizens
SPS	Safeguards Policy Statement
SSS	Social Security System
TA	Temporary Accommodation
TCT	Transfer Certificate of Title
TIN	Tax Identification Number
TNA	Training Needs Assessment
TWC	Technical Working Committee
TWG	Technical Working Group
UPAO	Urban Poor Affairs Office
VAT	Value Added Tax

DEFINITION OF TERMS

	Term	Definition
1	Agricultural Tenant	a person/s who, himself and with the aid available from within his immediate farm household, cultivates the land belonging to, or possessed by, another, with the latter's consent for purposes of production, sharing the produce with the landholder under the share tenancy system, or paying to the landholder a price certain or ascertainable in produce or in money or both, under the leasehold tenancy system ¹ .
2	Associated Structures	refers to structures that are associated to a main structure. This may include water tank, fence, garage, storeroom, etc.
3	Census Claims	assertion or declaration formally filed or made known by a named/identified complainant regarding the conduct or result of census that may affect the eligibility for compensation and entitlement of the complainant or of another person. Common types of census claims are skipped during tagging, out-during-census, misstatement of census data, etc.
4	Capital Asset	the term 'capital assets' means property held by the taxpayer (whether or not connected with his trade or business), but does not include stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business, or property used in the trade or business, of a character which is subject to the allowance for depreciation provided in Subsection (F) of Section 34; or real property used in trade or business of the taxpayer. ²
5	Cut-Off-Date	pertains to the date that establishes the eligibility for receiving compensation and resettlement assistance by the project affected persons.
6	Economic Displacement	refers to loss of land, assets, access to assets, income sources, or means of livelihoods as a result of this project.
7	Enterprise-based	non-land based economic undertaking that is not salaried/waged.
8	Entry Pass	a printed document issued by NHA to the qualified PAHs

¹ Republic Act 1199

² Section 39 (A) (1) of RA 8424

		on the day of actual transfer to be presented to the security personnel at the entrance of permanent relocation site upon their arrival.
9	Entry Permit/Permit to Enter	Refers to Property Owner gives it permission to the DOTr, its agents, representatives, contractors, and subcontractors to enter the Affected Property for activities in relation to implementing the Project
10	Formal Structure	refers to structures or improvements owned by APs who have legal right on the land where the structure is located and/or APs who have valid arrangement with the registered landowner. Used interchangeably with “legal structures” throughout this RAP.
11	Legal APs	APs that have legal right to occupy the affected property. This may include landowner, structure owners, rent-free occupants, caretakers, sharers, heirs/relatives with valid claim of ownership or legalizable arrangement with the registered property owner.
12	Host Community	refers to the current residents, local government officials and other stakeholders of an LGU (city, municipality, barangay) where APs will be relocated.
13	Household	a social unit consisting of a person living alone or a group of persons who sleep in the same housing unit and have a common arrangement in the preparation and consumption of food ³ .
14	Informal Settler Family (ISF)	households that do not have legal or legalizable right to own the land they occupy, homeless or do not own property anywhere else, and have a low-income ⁴ as defined by this RAP. This may include structure owners and renters, rent-free occupants, caretakers, and sharers.
15	Informal structure	refers to any structure or improvement owned by APs who do not have legal or legalizable right to own or use the land where the structure is located.
16	Involuntary Resettlement	occurs when affected people do not have the right to refuse land acquisition and are displaced
17	Land Acquisition	The process whereby a person is compelled to relinquish ownership, possession, control or use of all or part of their land, structures, or other assets to the project in exchange for cash or in-kind compensation. This includes land or assets for which the possessor or user enjoys customary

³ Philippine Statistics Authority

⁴ Combined household monthly income is below PhP40,000.

		or uncontested access but lacks legal title. For this project, compensation is based on replacement cost.
18	Land-based	any activity that requires land as a direct input in the production process or resource extraction such as crop growing, livestock raising, dairying, fisheries, mining, and quarrying.
19	Landowner	refers to legal owners of affected land that will be acquired for the project.
20	Low-income family	refers to family whose combined monthly income is below Php 40,000.
21	Main structure	any structure whose function is not associated to another structure to serve its purpose.
21	Marginally affected	Type of impact on affected property wherein the remaining portion is deemed to be economically viable or structurally sound and livable.
22	Non-Landowner	refers to project affected persons who do not have legally recognizable ownership claims to affected land. This includes structure owners (with or without permission from the landowner), renters, sharers, rent-free occupants, and caretakers (in both formal and informal structures), regardless of income.
23	Ordinary Asset	real property which is not classified as capital asset based on RA 8424
24	Permanent Relocation	refers to the relocation site to be developed by NHA and other DOTr partners where APs are to be resettled permanently.
25	Physical Displacement	Relocation, loss of residential land, or loss of shelter as a result of this project.
26	PNR ROW	refers to the existing right-of-way owned by the Philippine National Railway (PNR)
27	Project (PROW)	ROW refers to the right-of-way of this project.
28	Project Affected business	refers to all types of businesses regardless of scale whose normal operation will be severely or marginally affected by the project.
29	Project Affected Farm/Agriculture	refers to land-based economic activity whose normal operation will be affected severely or marginally by the project.

30	Project Affected Household (PAH)	refers to all households whose residence will be affected by the project.
31	Project Affected Household Members	refers to all member of the affected households.
32	Project Affected Persons (APs)	a general term that refers to all persons or entity who are residing, using, or operating, at the time of cut-off-date, and/or owning a property in an area which will be acquired for project right-of-way, regardless of type of displacement and severity of impact.
33	Public Rental	a subsidized rental facility for APs who will not qualify for socialized housing.
34	Receiving LGU	refers to the LGU where the APs will be relocated. This term is used only when the permanent relocation site is different from the LGU where the APs are currently located.
35	Rental Subsidy	refers to a fixed amount of monetary assistance for temporary accommodation of APs while awaiting completion of permanent relocation site.
36	Returnees	refers to APs who have been awardees/beneficiaries of the government socialized housing programs in previous government projects/initiatives.
37	Sending LGU	refers to the LGU where the APs will be displaced from. This term is used only when the permanent relocation site is located outside APs' current LGU.
38	Severely affected	Type of impact on affected properties wherein the remaining portion is no longer viable for economic activity, or the integrity of the structure has been compromised.
39	Temporary Accommodation	refers to the interim site or rental unit where the APs will move temporarily while awaiting completion of permanent relocation site.
40	Temporary Dwellings	refers to dwelling type unit that is made of moveable sleeping materials/equipment.
41	Validation	the process of verifying or checking the accuracy of census information provided by the APs during the preparation of the RAP.
43	Vulnerable Group/Household	Distinct groups of people who might suffer disproportionately or face the risk of being marginalized by the effects of resettlement and specifically include: (i)

underprivileged households below the national/regional poverty threshold, (ii) households headed by senior citizens, (iii) solo parent-headed households, and (iv) households with members who are persons with disabilities

- 43 Wage-based refers to livelihood activity wherein income is in a form of monetary compensation in exchange for work or task completed or measurable quantity of work done.

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EXECUTIVE SUMMARY

1. The Government of the Philippines (GoP) requested the Japan International Cooperation Agency (JICA) and the Asian Development Bank (ADB) in the provision of financial assistance to the North-South Commuter Railway Extension Project (NSCR-Ex). The NSCR-Ex has two sections: the Malolos-Clark-Clark International Airport (CIA) (Clark Extension), and the Solis-Blumentritt-Calamba (Calamba Extension). This Resettlement Action Plan (RAP) covers the project affected within the Tunnel Section in Taguig City and Pasay City. The purpose of this RAP is to identify all impacts associated with the acquisition of subsurface project right-of-way (PROW) in accordance with the Republic Act 10752 or an act facilitating the acquisition of Right-of-Way, Site or Location for National Government Infrastructure Projects and its 2016 Amended IRR. Detailed impacts of the project will be discussed under the land acquisition chapter of this RAP.
2. This RAP will also assess the socio-economic context of affected landowners and present agreed measures to fully mitigate impacts within a time-bound plan.
3. The Tunnel Section of NSCR-Ex consists of the underground section in between the FTI Station and the Metro Manila Subway Project (MMSP)-Senate Station, except for sections overlapping with the Makati-Muntinlupa mainline PROW. This overlap section which will require surface land acquisition and will affect persons/households on the surface lands will be discussed in the Makati-Buli RAP. The subterranean segment traverses Barangay Western Bicutan and Brgy. Fort Bonifacio in Taguig City and Barangay 183, Villamor in Pasay City.
4. The project requires acquisition of subsurface PROW and will not displace households, businesses or disrupt social, economic, and cultural activities on the surface lot area. A total of 45 landowners and landowner-claimants of 42 parcels of land will be subject to acquisition of affected subterranean segment of their land, including 14 privately owned land parcels. As per DOTr Guidelines for Subterranean Acquisition for MMSP Phase 1, to be adopted in this Tunnel Section RAP, the retention of the original economic purpose of the surface land after the acquisition of perpetual easement underground, will determine if the surface land portion will be acquired or not by the DOTr; this is in addition to the provisions of RA 10752 for subterranean acquisition. In the event that the original economic purpose of the land cannot be anymore achieved by the landowner due to building restrictions below ground brought about by the project or if the landowner refuses negotiation for subterranean easement and wants to sell the surface land to DOTr, after all alternatives considered, DOTr will acquire and compensate the land and non-land losses in accordance with the entitlement set out in this RAP. The evaluation and assessment whether the original economic purpose can still be achieved, shall be done by a technical working group composed of the DOTr PMO and the general consultant.

5. The entire NSCR-Ex Project is categorized as A for ADB's involuntary resettlement (IR) safeguards. Separate RAPs for the NSCR-Ex Calamba Extension have been prepared or are being prepared for the project, these are: (i) Manila PO1 (LO), (ii) Manila PO1 (NLO), (iii) Manila 2 (LO/NLO), (iv) Makati to Buli section (NLO/LO), (v) Muntinlupa to Calamba (LO), and (vi) Muntinlupa to Calamba (NLO). The Manila PO1 LO and NLO RAPs have been approved last March 25, 2022. This RAP for the Tunnel Section focuses on impacts associated with subterranean acquisition of the project ROW and does not include surface land acquisition unless, otherwise determined after the conduct of an original economic purpose evaluation/assessment and refusal of landowner to the offer of the IA for a perpetual easement agreement of the subterranean section of their land.
6. This RAP will cover subterranean project ROW acquisition from Sta. 22+260 km to Sta. 25+900 km, in between the MMSP-Senate Station and FTI Station with the PROW width of 20-25 meters. APs have the option to accept or refuse the subterranean easement. Should any APs refuse the subterranean easement or if otherwise the original economic purpose of the land is significantly altered, the land will be acquired by the project. APs will be required to advise their formal decision on their acceptance of the subterranean easement at the time of Notice of Taking. Any affected households (AHs) and affected persons (APs) in Taguig City and Pasay City who may experience full or partial impacts on their lands, residences, businesses, and/or other livelihood sources after the original economic purpose evaluation/assessment or refusal of landowner to accept the offer for perpetual easement agreement will result to negotiation on surface properties acquisition. This will be discussed in a separate Addendum RAP or Updated RAP, if needed, which will focus on the surface Project ROW acquisition. DOTr will prepare a Due Diligence Report (DDR) to advise the formal decisions of APs regarding acceptance of the subterranean easement which will be shared with ADB for its review. Should the DDR indicate the need for land acquisition, DOTr will prepare an Addendum RAP or Updated RAP to mitigate these impacts for ADB's review and agreement. As of preparation of this RAP, no adverse reactions from landowners/landowner claimants have been received during the conduct of SCMs, interviews and survey of AP intentions relating to subterranean easement of their properties.
7. Furthermore, there are sections of the tunnel segment which overlap with the Makati-Buli mainline, which will require surface land acquisition; however, these overlapped impacts are covered fully under the Makati-Buli RAP.
8. A total of 62,776.05 sqm. of land will be affected by the acquisition of the subterranean easement in which 10,514.28 sqm of the land still are needed to be acquired from private landowners. The bulk of the required land around 52,261.77 sqm. will need to be acquired from other government agencies that own the affected lands. Out of the 42 parcels, seven (7) are owned by PNR or Republic of the Philippines, 19 lots by other government entities, three (3) lots have unknown owners which have no documents to be found in government agencies as of this writing and 13 lots are owned by 16 private landowners/landowner-claimants.

9. There are no Indigenous Peoples (IPs) in the Tunnel Section, nor it is anticipated that land in ancestral domain areas will be acquired.
10. **Social Safeguards Policy Principles for the Project.** The RAP follows ADB Safeguard Policy Statement (SPS) of 2009, JICA Guidelines (2010) and relevant Philippine laws and procedures. DOTr, the Executing Agency (EA) for the Project will uphold the IR policy principles for the Project as set out in this RAP.
11. **Affected Persons and Eligibility.** The identification of eligibility of APs was carried out in accordance with socio-economic survey (SES), supplementary SES, and validation activities. For the landowners, the cut-off date will be at the time of their receipt of the Notice of Taking for subterranean acquisition. No businesses, and institutional establishments will be affected under this RAP unless, the original economic purpose assessment or when the LO refuses the IA's offer for perpetual easement acquisition will result to eventual acquisition of surface land. A rapid survey was conducted with landowners and claimants in November 2022 to assess APs initial intentions regarding acceptance of the subterranean easement. As per the rapid survey conducted with landowner/landowner-claimants, no refusals were recorded on the intended acquisition of the subterranean section of their land. Ten (10) common lots per initial analysis, are affected by both the NSCR-Ex and MMSP Projects. It was agreed by the DOTr Project Managers of the two (2) projects that any gap on the compensation and entitlements will be shouldered by the DOTr under the NSCR-Ex Project. However, the parcellary plans for the NSCR-Ex Tunnel Section and MMSP are not yet final to determine the number of lots that are commonly affected by the two (2) projects. This will be updated once the parcellary plans have been finalized by 1st Quarter of 2023.
12. **Compensation and Entitlements.** Compensation at replacement cost will be provided to all APs/AHs losing assets due to Project ROW underground easement acquisition for the project. Other forms of transitional and restorative assistance will also be provided to achieve the RAP objectives of restoring, if not improving, living standards, if affected by the project. Details of eligibility and entitlements are set out in the Entitlement Matrix (EM) in the RAP. The entitlements for surface land acquisition are retained as reference in case there will be IR impacts as determined during the issuance of Notice of Taking. The DOTr will work closely with the Taguig City and Pasay City local government units (LGUs), and other stakeholder/partner agencies in the implementation of the easement agreement acquisition. In the event of the need for land acquisition, the Addendum RAP or Updated RAP will discuss in detail the compensation at full replacement cost of affected surface land and non-land assets related to ROW clearing work, resettlement, and other entitlements in accordance with the Entitlement Matrix.
13. **Relocation Assistance.** No relocation of APs will be done under this RAP unless the original economic purpose determination or the refusal of landowner to accept the IA's offer for perpetual underground easement acquisition will result to acquisition of surface land assets and relocation of APs.

14. Consultation, Participation, and Disclosure. Meaningful consultations have been conducted to ensure that issues and concerns raised from landowners are incorporated into the project preparation process. Information, education, and communication (IEC) meetings with the LGUs concerned were conducted to disclose initial information about the project, prior to any RAP-related activities. Suggestions and inputs from APs and LGU officers were noted, and their issues and concerns were considered particularly on timely disbursement of compensation, timing of transfer, and completion schedule of housing units at the relocation sites, if applicable. Stakeholder consultation meetings (SCMs) were held with APs during the feasibility study (FS) and DD phases. Three rounds of SCMs were conducted during the FS phase, and two rounds during the DD phase. During the first round of SCMs at the DD RAP phase, the DOTr disclosed updates on the project and information on RAP activities and arranged an open forum. From the SES conducted, 14 out of the 16 private landowners/ landowner claimants interviewed expressed acceptance of the proposed project and expect appropriate provision for compensation. During the second round of SCMs, the DOTr disclosed information through a blended mode of engagement in compliance with national and local health and safety protocols to reduce the spread of COVID-19 virus. The blended mode of communications with landowners reinforced the DOTr's objective in disclosing information on the compensation package, and LRIP implementation. During the SCMs, the APs were responsive and are concerned on the effect of future development on their land. Inquiries on compensation computation were also asked. Health and safety measures are being applied to consultation activities in this time of the COVID-19 pandemic. This RAP will also be accessible to the public through JICA, ADB, and DOTr websites.

15. Livelihood Restoration and Improvement Program. The DOTr will implement the Livelihood Restoration and Improvement Program (LRIP) in partnership with the LGUs of Taguig and Pasay and concerned national government agencies such as SHFC, Technical Education and Skills Development Authority (TESDA), the Department of Labor and Employment (DOLE), the Department of Social Welfare and Development (DSWD), and the Department of Trade and Industry (DTI). The approach involves immediate restoration of livelihood, short- to mid-term improvement of livelihood, and long-term improvement of livelihood. The types of LRIP approaches and activities will be gender-responsive and based on the AHs/APs entitlements, assessed needs, preferences, and requirements for long or short-term interventions. Microbusiness owners, if truly affected, will be assisted in re-establishing their business, as well as in securing soft loans, government-issued identifications and permits, financial management training, job referrals, and priority job placements in project works will be provided to the vulnerable APs and employees losing employment from affected micro-businesses. Household members will also be given vocational/enterprise trainings to diversify household income sources. For the long-term assistance, APs/AHs who will be required to be transferred to relocation sites will be given support in the final restoration of their affected enterprises or income sources. The Sub-Committee on Livelihood Restoration under the RAP Implementation and Management Committees (RIMC) will oversee and monitor the LRIP implementation.

- 16. Grievance Redress Mechanism.** The project level Grievance Redress Mechanism (GRM) outlines the procedures in which grievances are accepted, assessed, and resolved, and includes three levels of grievance redress for complaints concerning the project and the RAP implementation. Notwithstanding, APs may seek redress through the country's judicial system at any time, which is not a part of the GRM. The GRM has been developed in accordance with JICA Guidelines (2010) and ADB SPS (2009) and aims to reduce the impacts and risks of the project and promote mutually constructive and trust-based relationships with affected people. The GRM was established during RAP preparation and central hotline addressing concerns of APs was set up by the DOTr while preparing to establish the local help desk in Taguig and Pasay. The appointed grievance redress (GR) officers tasked to oversee the GRM implementation are assigned either to the Local GRM Team at the local help desk of each local government unit (LGU) or the Central GRM Team at the Project Management Office (PMO).
- 17. Institutional Arrangements.** The DOTr is both the Executing Agency (EA) and Implementing Agency (IA) of the Project. Other key institutional stakeholders include the Philippine National Railways (PNR), Social Housing Finance Corporation (SHFC), and the LGUs. A Project Inter Agency Committee (PIAC) composed of concerned National Government Agencies (NGAs) will provide policy support and resources to speed up the implementation of the RAP. The NSCR Project Management Office (PMO) under the DOTr - Office of the Undersecretary for Railways is the epicenter in carrying out the RAP implementation, particularly in the acquisition and clearing of ROW. The NSCR PMO is organized to oversee all technical and administrative concerns of the Project and monitor activities related to RAP implementation.
- 18. Implementation Schedule.** Upon approval of this updated RAP, contracts can be awarded, and civil works may commence on areas that are free and clear of impacts⁵. The Implementation Schedule provides details on the steps and process to update the RAP, relocation procedures (if applicable), creation of implementing institutions, Livelihood Restoration, and Improvement Program (LRIP), and monitoring of the RAP implementation. This schedule was updated during the Detailed Design (DED) Phase.
- 19. Budget and Financing.** The total cost for the implementation of the RAP for the Tunnel Section is estimated at **PhP947,661.279**. The budget covers costs to pay for the acquisition of subterranean easement of tunnel section PROW under the affected private lands, the GRM implementation, and overall RAP implementation and monitoring (including administrative costs and a 10% contingency).
- 20. Monitoring.** There will be two types of monitoring for this RAP: internal and external monitoring. DOTr is conducting monthly, quarterly, and semi-annual monitoring of the resettlement activities and submits quarterly and semi-annual

⁵ Free and clear land is defined as land without project affected persons, compensable structures, improvements, trees, crops and utilities and other impacts to which persons are eligible for compensation and assistance. These areas considered free of impacts will be handed-over by the DOTr to the contractor.

monitoring and evaluation reports to JICA and ADB. To ensure compliance, the services of an External Monitoring Agent (EMA) has been engaged by the DOTr to provide an independent periodic review and assessment of the implementation of the RAP. Disclosure of monitoring reports will be made upon submission to JICA and ADB through the JICA, ADB and DOTr websites. Preparation of monthly and quarterly monitoring reports starts from the commencement of RAP validation until completion of payment of compensation, whereas semi-annual monitoring and evaluation reports will be carried out for the duration of the project until the end of the loan closing. Post-completion and evaluation reports as well as a final report will also be prepared.

CHAPTER I : PROJECT DESCRIPTION

21. This Resettlement Action Plan (RAP) covers subterranean areas that will be traversed from the edge of the Metro Manila Subway Project (MMSP)-Senate Station to the edge of the FTI Station (CP S-03b) of the North-South Commuter Railway Extension (NSCR-Ex) - Calamba Extension Project. Package CP S-03b is approximately 3.6 km of underground railway in between the MMSP-Senate Station and FTI Station which will be carried out as twin tunnels, with some lots overlapping with the affected lots of the NSCR-Ex Project mainline (Makati-Buli Section).
22. This overlapping section, which will require surface land acquisition as part of the 30-m mainline Makati-Buli PROW, is not part of this RAP. This affected section will be part of the Makati-Buli RAP being prepared separately. Figure I-1 and Figure I-2 shows the alignment portions and the 12 lots (9 private lots, 2 PNR lots and 1 public road lot) affected by both the Tunnel Section (pink line) and the Makati-Buli Mainline Section (green line). Although the tunnel will traverse under the mainline, it is going to be acquired under the Makati-Buli RAP, including all affected structures or any IR impacts resulting from the surface land acquisition. The masterlist of the common affected lots by the Tunnel Section and the Makati-Buli Section is attached in the appendices of this RAP.
23. The MMSP is the first subway project in the Philippines, running from Valenzuela City to Paranaque City for Phase I. The metro line Phase I has a total of 15 stations with the main line starting from Quirino Highway Station in Quezon City to the Senate Station in Paranaque City where it will continue to FTI Station. This underground connection between MMSP's Senate Station and FTI Station forms part of the North-South Commuter Railway Extension (NSCR-Ex) Project. In addition, the MMSP line includes a branch line (or NAIA Extension) from Senate Station to Terminal 3 Station in Pasay City. The MMSP is under a separate funding source and this RAP covers the interconnection area of the NSCR-Ex Project and the MMSP. Moreover, the NSCR-Ex-Senate (DepEd) Station, formerly known as PNR Nichols Station in Taguig City, will be part of the Makati-Buli RAP.



Figure I-1. Tunnel section alignment and Makati-Buli mainline alignment overlap



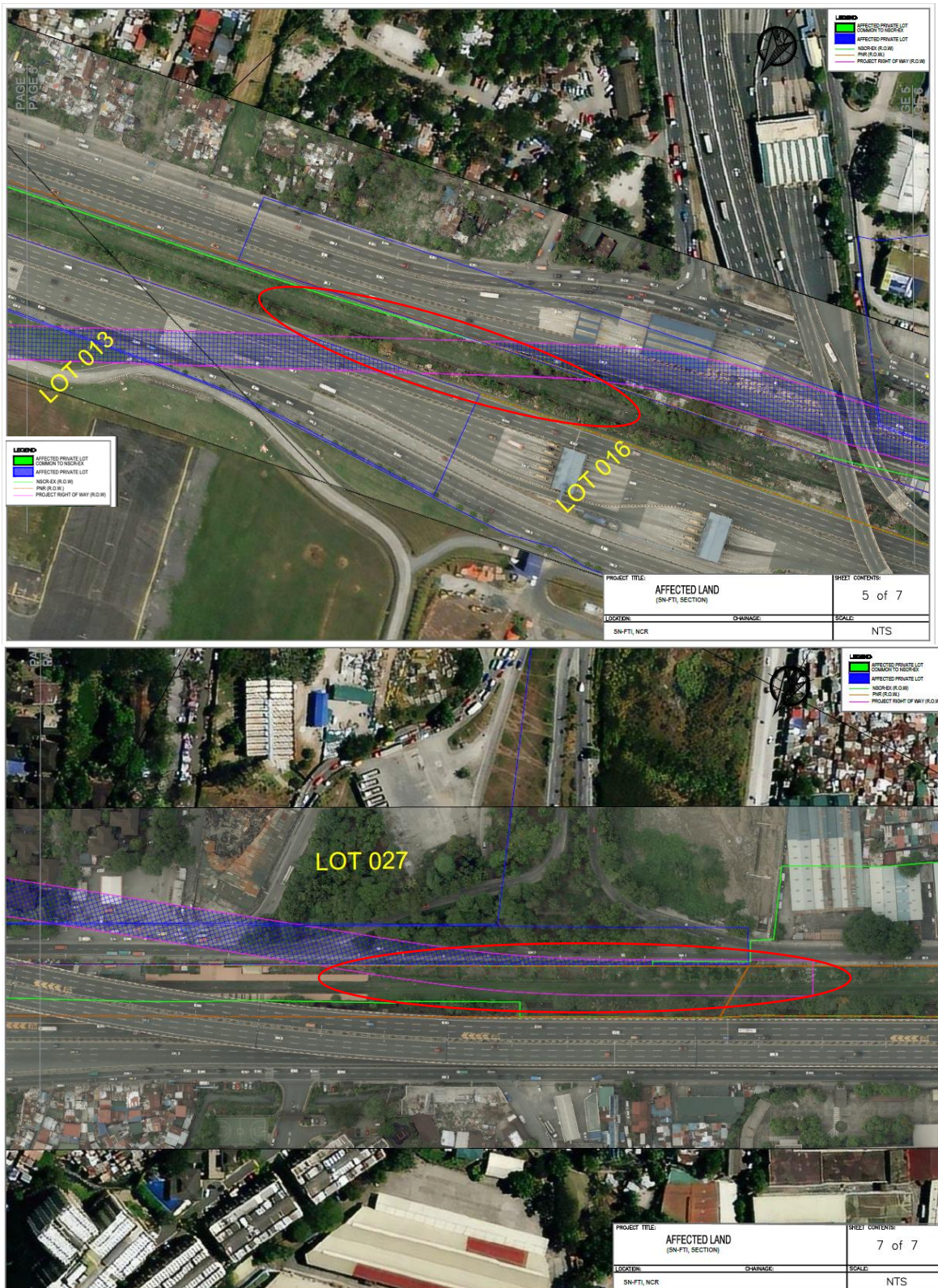


Figure I-2. Lots of the Overlap Section of Makati-Buli mainline and Tunnel Section

A. Background

24. The population of Metro Manila⁶ increased by 1.5 times from 8.0 million in 1990 to 12.8 million in 2015⁷. With a population density of 20,000 per km², Metro Manila is home to about 13% of the population of the Philippines which is 109.6 million (2020) and the main economic center accounting for 36% of the country's GDP.⁸
25. Severe traffic congestion and environmental degradation characterize Metro Manila where high density development continues. The lack of or delays in the development of road infrastructure in Metro Manila and the increasing traffic growth rate due to vehicle ownership are considered heavy contributors that are expected to worsen the already congested roads. Further increasing travel times of commuters and delays in the delivery of goods and services due to the above cited concerns also, contribute to the country's slow economic activities.
26. Considering the population size and density of Metro Manila, the railway network is sparse. In Metro Manila, currently three urban metro lines are in operation, namely, Light Rail Transit (LRT) Line 1, LRT Line 2, and Metro Rail Transit (MRT) Line 3. Most of the lines are elevated railways, with partial sections at-grade and depressed, with a total length of 44 km, serving a total of 350 million annual passengers in 2016. In addition, the Philippine National Railways (PNR) operates a commuter railway from Tutuban to Calamba (56 km)⁹, serving 21 million passengers in 2016. For the railway service to the north, the PNR ceased its operation of a long-haul line in the 1980's. The rails and infrastructure have been removed but the right-of-way (ROW) was retained and had been encroached upon by informal settlers.
27. In this context, the Government of the Philippines (GoP) has requested financial assistance from Japan International Cooperation Agency (JICA) and Asian Development Bank (ADB) for the planning and implementation of the NSCR-Ex. The project will be conducted by Sections: Malolos-Clark- Clark International Airport (Clark Extension) and Solis-Blumentritt-Calamba (Calamba Extension).
28. The NSCR-Ex will cover the 55.7 km section between before Jose Abad Santos Avenue (Solis-Blumentritt) to Calamba station. There is a 300m spur line from the main railway to the depot located in Barangay Banlic in Calamba. This depot has a distance of about 1.7 km east of the Banlic Station. A total of 20.4 hectares of mostly irrigated agricultural land will be acquired for the depot requirements in Banlic. Since agricultural land is non-negotiable for conversion,

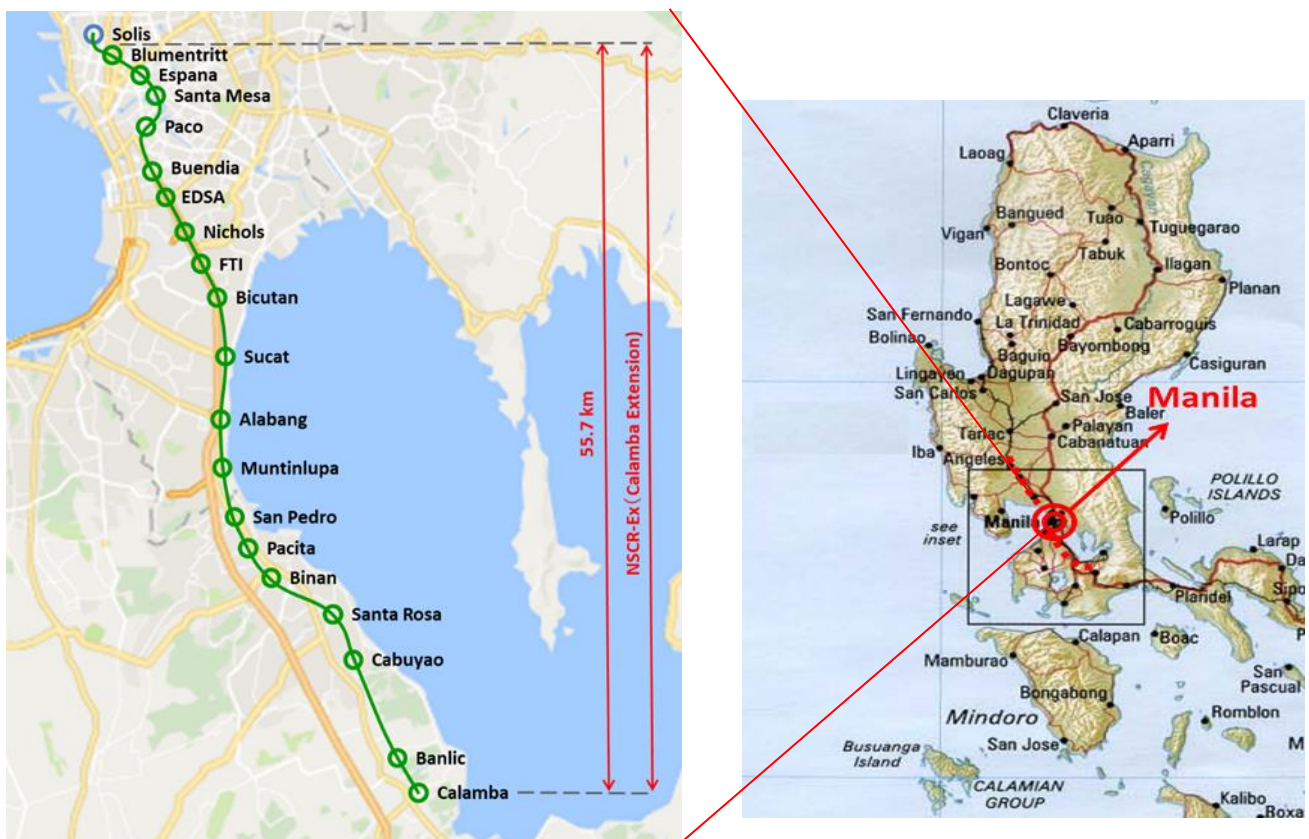
⁶ Officially, the National Capital Region (NCR), a Metropolitan Area comprised of 16 independent cities which include the City of Manila, Quezon City, Caloocan City, Las Piñas City, Makati City, Malabon City, Mandaluyong City, Marikina City, Muntinlupa City, Navotas City, Parañaque City, Pasay City, Pasig City, City of San Juan, City of Taguig, Valenzuela City and one (1) municipality that is Pateros.

⁷ Philippines Statistic Authority (PSA), 2015 Census of Population

⁸ Philippines Statistic Authority (PSA), 2015 Census of Population and Gross Regional Domestic Product in 2018

⁹ Tutuban to Alabang is the regular route with 30 minutes headway; operation up to Calamba is limited to early morning and evening only.

based on the Department of Agriculture (DA) Administrative Order No 1 series of 2017, DOTr will provide guidance pertaining to land conversion. The NSCR-Ex Project has a total of 19 stations, of which 12 stations will be located in the NCR and 7 stations will be situated in Laguna. The NSCR-Ex Project will contribute to the sustainable development of Metro Manila and the fast-growing urban areas in and nearby areas of Laguna while at the same time improve the connectivity to the South Luzon provinces such as Batangas, Cavite, Rizal, and Quezon. The rehabilitation of the railway is expected to contribute and minimize the environmental impacts as a result of modal shifting from the current passenger vehicles to commuting by train. It will also contribute to the revitalization of the affected areas by shortening travel time and promoting development along railway lines.



Source: JICA Design Team

Figure I-3. Location MAP of NSCR-Ex Solis-Blumentritt-Calamba Section

29. The Feasibility Study (FS) Phase of this Project was conducted from December 2017 to August 2018, and the Detailed Design (DD) Phase started in September 2018. The Loan Agreement between JICA and the GoP was signed in January 2019. The loan covers the whole section in the NSCR-Ex. The loan agreement between ADB and GOP was signed in July 2019 for the Clark Extension and Manila PO section in Calamba Extension. Also, the loan agreement for the USD\$1.75B first tranche of the USD\$4.3B approved loan for the Calamba Extension Section has already been signed on June 17, 2022.

B. The Government of the Philippines Development Plans on Railway Sector

30. The Philippine Development Plan (2017-2022) launched by the National Economic and Development Authority (NEDA), which is anchored on former President Duterte's 10-point Socio-Economic Agenda, serves as the blueprint for the administration's vision of a more inclusive growth and a globally competitive economy. Among the reforms that will drive this agenda is the acceleration of infrastructure and the development of industries that aim to yield robust growth nationwide, create jobs, and uplift the lives of Filipinos. Infrastructure is among the top priorities of this administration and as a result, public spending on infrastructure projects is expected to reach PhP 8–9 trillion from 2017–2022.
31. The Build! Build! Build! Program is the administration's comprehensive infrastructure development program launched in April 2017. The program identifies 70 infrastructure flagship projects and/or high impact projects. Among the 104 flagship projects, 25 are located in Metro Manila.¹⁰ The infrastructure projects for Metro Manila are transportation driven, focusing on the development of roads, railways, road-based public transport, and traffic management. Most of the projects are expected to be completed within or by the end of the current administration in 2022.
32. In this context, the Department of Transportation's (DOTr) thrust is to guide the development of new urban centers and to meet large residential demands by providing new railways. A commuter railway service to connect Metro Manila with its adjacent northern and southern suburban areas is deemed to be an important mass transit backbone for Metro Manila, as well as for the growth corridor of the Greater Capital Region (GCR), comprising Region III, NCR, and Region IV-A. The existing railway lines and proposed railway lines are indicated in Figure 1-2.

¹⁰ Revised List of Infrastructure Flagship Projects as of 19 August 2020 by NEDA (<https://www.neda.gov.ph/wp-content/uploads/2020/09/Revised-List-of-IFPs-as-of-19-August-2020.pdf>)

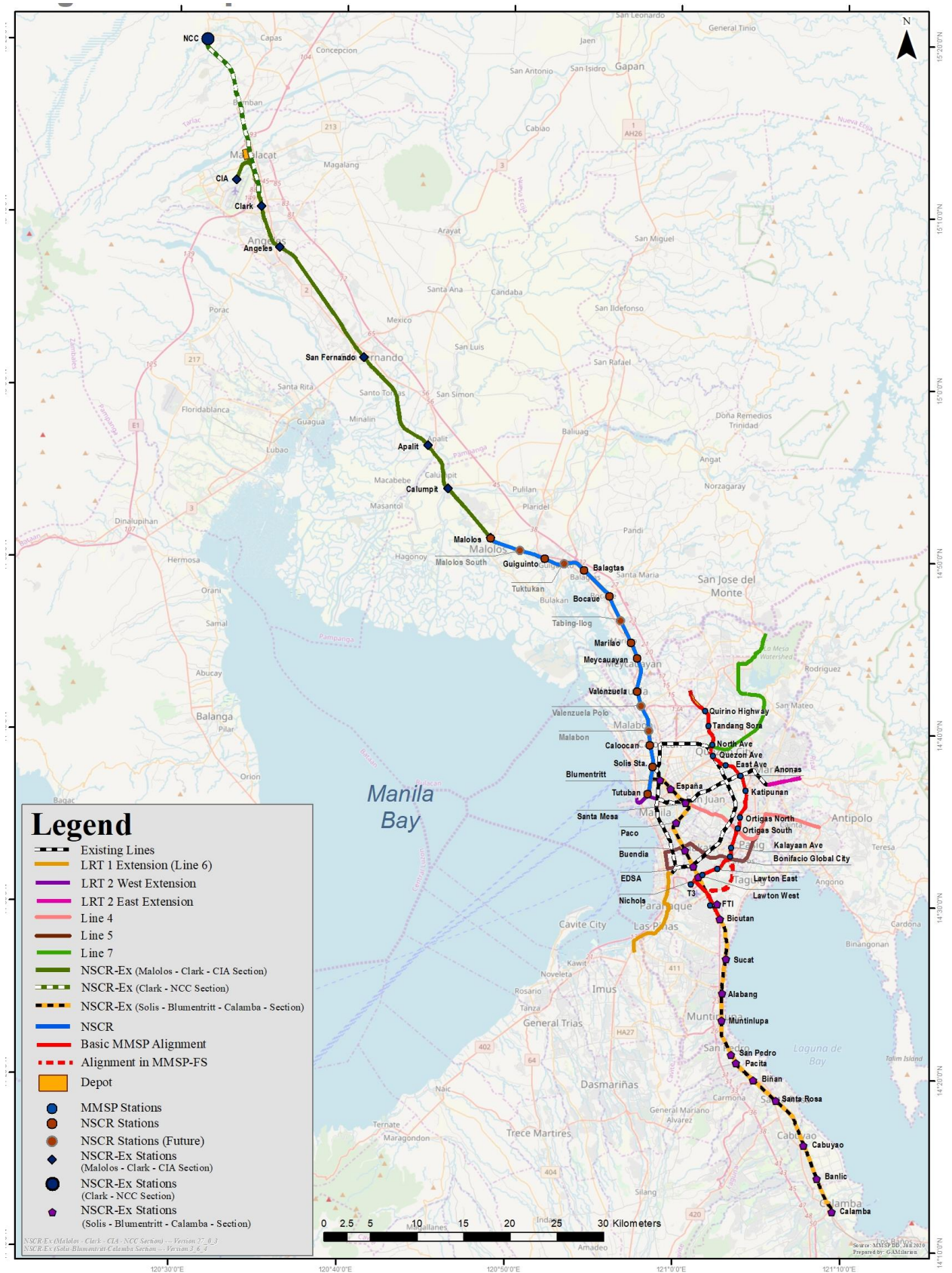


Figure I-4. The Greater Capital Region Railway System

C. Assistance Policy of Government of Japan on Railway Sector in the Philippines

33. To meet the railway development needs in Metro Manila and GCR, several railway projects are ongoing or are in the planning stage. In 2015, JICA signed a loan agreement with the GoP for the development of the North-South Commuter Railway (NSCR; 38km from Tutuban to Malolos) which is currently at implementation stage. The proposed NSCR Clark Extension project is to extend the NSCR to the north and provide a 51.4 km new railway from Malolos to CIA.
34. The NSCR will also be extended to the south with the NSCR-Ex which will consist of a 55.7 km railway with an additional 1.3 km spur line to the Banlic Depot. The Project also includes the 1.1 km Manila PO section, which is partially operating ahead of the whole section to Calamba. The entire interconnection of the projects as mentioned creates a North-South railway corridor in GCR.

D. Assistance Policy of ADB on Railway Sector in the Philippines

35. ADB has been a dedicated partner of the GoP in developing the infrastructure and social sector since the 1970s. The past projects of ADB includes the rehabilitation of PNR's 474 km Manila-Legazpi line.
36. In line with the administration's agenda, ADB has committed to support the GoP's flagship infrastructure program to help address persistent income and regional growth disparities. ADB's 2018-2020 program undertaking includes the NSCR-Ex to help develop Metro Manila's connectivity to nearby provinces.

E. Objectives of NSCR-Ex (Calamba Extension)

37. The NSCR-Ex is one of the government's efforts to promote inclusive growth and improve the transport and logistics services to currently underserved areas in the country. Starting from the center of Metro Manila to the nearby areas in South Luzon, the project is expected to ease the traffic congestion on existing national and local roads along the railway's route while accelerating economic growth and expansion along the project's influence areas.
38. The NSCR-Ex (Calamba Extension) will provide a high standard suburban commuter rail from Manila to Calamba in Laguna. The train operations from Manila to Calamba, Laguna are commuter train service, and limited express service. Both the commuter train service and limited express service have a maximum speed of 120km/h, while the airport express service has a maximum speed of 160km/h. The line will connect before Blumentritt station to the NSCR line, passing through the cities of Manila, Makati, Taguig, Parañaque, and Muntinlupa in the NCR and, the cities of San Pedro, Biñan, Sta. Rosa, Cabuyao, and Calamba, in the Province of Laguna.

F. Project Components

39. The components for this part of the railway project includes the bored tunnel, the utility relocation, the construction yards, borrow pits and spoil disposal area.

1. Bored Tunnel

40. The DD RAP Tunnel Section covers the section in between the FTI Station and MMSP-Senate Station at Sta. 22+260km to Sta. 25+900km. This involves boring of two (2) parallel tunnels for the north and southbound tracks that shall be constructed in accordance with the Earth Pressure Balance (EPB) tunnel methodology using two (2) sets of Tunnel Boring Machines (TBMs) at a depth ranging from 12 meters to 33 meters from the ground surface to the top of the tunnel roof.

41. The tunnels between MMSP-Senate Station and FTI Station have a length of approximately 3600 meters. The outer diameter of the tunnels is 6.7 meters while the inner diameter is 6.1 meters. The excavation works by the TBMs will be controlled from a launching shaft at FTI Station.

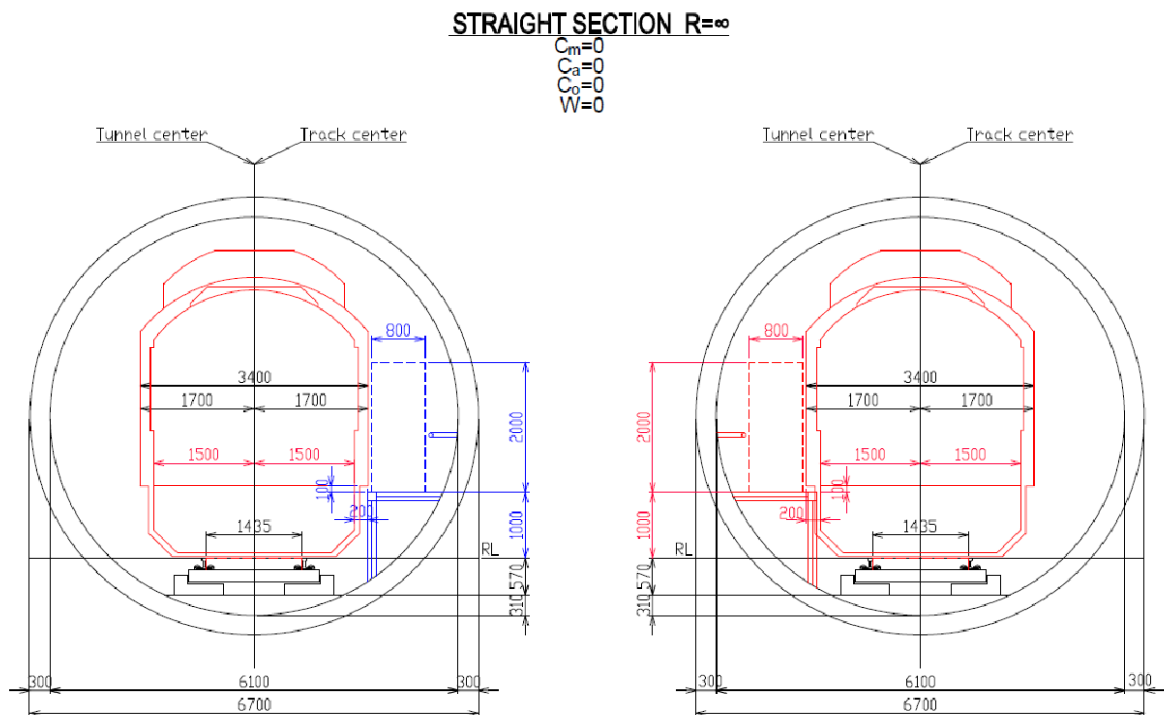


Figure I-5: Cross-section of the Bored Tunnel

2. Utility Relocation

- 42.** Since the structure is at the depth of 12 to 33 meters, there will be no utility poles or lines that will be affected in this section. The launching shaft of the tunnels will be located at the FTI Station, which will be covered by the Makati-Buli RAP Report.

3. Construction Yards, Borrow Pit and Spoil Disposal Area

- 43.** The decision on the selection of construction yards, borrow pit and spoil disposal area will be made by the contractor. The General Consultant (GC)¹¹ will oversee the potential impacts and report on these in monitoring reports, as specified in Chapter 13. If there will be any potential resettlement implications, the provisions included in the Entitlement Matrix in Chapter 5 will be applied, and safeguard documents, including an Addendum RAP will be prepared for ADB and JICA review and agreement.

¹¹ General Consultant is the term used for the Consultant providing consulting services during the NSCR-Ex implementation phase.

CHAPTER II : SCOPE OF LAND ACQUISITION AND RESETTLEMENT

44. This chapter presents information on people and properties associated with acquisition for the subterranean section of the railway project. Three (3) barangays, 1 in Pasay City (Barangay 183 Villamor) and 2 in Taguig City (Barangays Fort Bonifacio and Western Bicutan) will be traversed by the Tunnel Section. Landowners and Landowner-claimants were interviewed for the SES. All impacts are associated with the tunnel and the subterranean easement.

A. Methodology to Assess Impacts

45. The assessment of involuntary resettlement impacts for this project was undertaken through a series of activities starting with consultation meetings, followed by inventory of losses which consist of parcellary survey and replacement cost survey (RCS). These activities intend to identify the affected subterranean assets, assess the loss of its beneficial use, and determine the easement price of land based on the provisions of the law. Finally, a socio-economic survey was conducted to gather socio-demographic and economic information about the project affected persons.

46. Consultation meetings conducted include Information, Education, and Communication (IEC) meetings with the local government officials; and Stakeholder Consultation Meetings (SCM) with APs. Insights on possible impacts of the project to APs, and corresponding recommendations to avoid or minimize these impacts were factored in the impact assessment and preparation of this RAP.

47. Some development plans at the surface level shall be restricted as to construction and/or establishment of structures due to the planned implementation that will take place underground. In terms of land acquisition, said development plans should not deter the IA from purchasing or acquiring the properties at the surface level per Sec. 4 of R.A. 10752¹². Further, the LGU is planning to update the land use restrictions for underground. It will consider government projects, such as the subway, which will use subterranean section of the land. The details are to be discussed with DOTr and other applicable agencies. (The planned LGU restrictions discussed here pertain to the subterranean use by other future government projects, such as subways. Restrictions to constructions above ground are discussed in the paragraph below.)

48. Since the subterranean project will likely cause some limitations on the use of the surface land, information obtained will provide a basis for decision-making

¹² Section 4 of RA 10752 states that, "When it is necessary to build, construct, or install on the subsurface or subterranean portion of private and government lands owned, occupied, or leased by other persons, such infrastructure as subways, tunnels, underpasses, waterways, floodways, or utility facilities as part of the government's infrastructure and development project, the government or any of its authorized representatives shall not be prevented from entry into and use of the subsurface or subterranean portions of such private and government lands by surface owners or occupants, if such entry and use are made more than fifty (50) meters from the surface."

whether to fully purchase the land affected if the project will be a hindrance to the intended future development of the landowner. As per MMSP Guidelines for Case 1.1, as adopted in this tunnel section, a 5-meter section above and below the roof and bottom of the tunnel wall, respectively and 0.5-meter buffer section on both sides of the tunnel wall will be declared as “non-buildable areas”. Please note that the additional 0.5 meter each on both sides of the tunnel walls are already considered in the affected area for permanent easement agreement with the Landowner. A copy of the MMSP Guidelines is attached in the appendices of this RAP. The restrictions on subsurface use limits the “non-buildable areas” to those within 5m above tunnel roof and below the tunnel, and 0.5m to the sides. Given the tunnel depth is between 12m and 33m from the ground surface to the tunnel roof, this does not realistically restrict current use for construction or tree planting above the tunnel. Limitations will only apply in the case of deep foundations in future buildings.

49. The socio-economic interviews were administered by trained enumerators through phone calls instead of face-to-face interviews due to restrictions of the Covid 19 pandemic. The interview of APs was conducted from July to August 2021. Since not all the listed landowners in the parcellary survey conducted were covered in the initial survey done, a second round of SES was conducted last Feb. 21, 2022. The SES conducted adopted a face-to-face method of interviews. Members of the RAP updating team were the ones who administered the interviews to ensure all the information required were obtained. The second round of SES conducted provided a venue as well to call on the previous landowners/land claimants interviewed and validated those classified as land claimants. As a result, 5 of the earlier classified as land claimants were verified to be actually landowners after presentation of their Certificates of Land Allocations or Tax declarations. Apart from the purpose of covering those landowners not included in the initial SES conducted, the second round of SES provided venue to obtain information of the landowners’ future plans on the affected land. Since the subterranean project will likely cause some limitations on the use of the surface land, information obtained will provide a basis for decision-making whether to fully purchase the land affected if the project will be a hindrance to the intended future development of the landowner.

50. This RAP was prepared based on the concurred ROW in keyhole markup language (KML) and computer-aided (CAD) files provided by the proponent.

B. Overview of Affected Land and Resettlement Impacts

51. **Error! Reference source not found.** summarizes the assessed project impacts based on parcellary data, Replacement Cost Study (RCS), and Socio-Economic Survey (SES).

1. Summary of Impacts

52. A total of 62,776.05 sqm. of land will be affected by the acquisition of the subterranean easement for this segment of the railway undertaking of which approximately 17% (10,514.28 sqm) of the land still are needed to be acquired from private landowners. The bulk of the required land which is (83%) or estimated to be 52,261.77 sqm. will need to be requisitioned from government agencies that own the affected lands.

53. There are 42 parcels/lots (subterranean segment) of public and private land owned or claiming to be owned by 45 individuals, government entities, unknown owners or private entity will be affected by the project. The 26 government-owned lots will be acquired through a government-to-government procurement scheme.

54. Out of the 16 private landowner/landowner-claimants of 13 private lots, 14 were interviewed for the SES and the two (2) LOs were not interviewed as their identities have not been established. Of the 14 interviewed LOs, 11 were able to present proof of ownership while 3 are land claimants (referred to as those who claim the land where their residences are located but whose claimant's names were not included in the registered list of owners in the parcellary survey conducted). DOTr will ensure proper legal due diligence of land ownership claims for those claiming ownership of either private or Government land. If such claimants have claims to the affected land that are recognized or recognizable under Philippine law, they will be eligible for the same entitlements as land owners under this RAP, including being provided with options to apply easement or acquisition procedure.

55. Please see Volume 2 Appendix 1 for the masterlist of affected households.

Table II-1: Summary of Affected Items and Persons/HHs/Structures

Identified Affected Items	Area Size & No. of Persons/AHs and Structures
Land requirement	62,776.05 sq,m,
- PNR and Government owned land	52,261.77 sq.m
- Private land	10,514.28 sq.m
Total affected parcels of land	42 parcels/lots

2. Severity of Impacts

56. As the project will acquire only the subterranean section of the lots, they are marginally affected. Unless refusals of landowners will surface during the issuance of Notice of Taking and Offer-to-Buy and will result to acquisition of the surface properties. In such case, the determination of severity will be assessed during the conduct of the detailed measurement and replacement cost surveys of affected structures. These will be discussed in the Addendum

RAP, as warranted upon assessment of a DDR to be prepared in the event that refusal of the offer for perpetual easement of the subterranean lots is raised by the landowner.

57. Based on the Zoning Ordinances of Pasay and Taguig LGUs, the building of structures is limited to only up to 3-storey along the Tunnel Section as there is a nearby airport, hence, no possibility of future tall buildings/skyscrapers being built in these areas which usually have underground parking areas or basements composing of several levels. However, current and future landowners may have plans in the future to build several levels of underground structures even with the building restrictions above ground.

58. Table II-2 presents an account of the impact on the privately owned land to be acquired for the undertaking. In total, an estimated 13 parcels of privately owned land will need to be acquired for the subterranean portion for this segment of the railway.

Table II-2: Severity of Impacts

TOTAL				
Type of Impacts	No. of Affected Lots		Scale of Impacts (AHs/APs) Landowner/Landowner Claimants	
	No.	Section of Land	Marginal	Total
Total Affected Lots	13	Subterranean	13	13

3. Affected Project ROW Land

59. Underground land requirement for the proposed railway undertaking is estimated at around 62,776.05 sq.m. Of this land area, the biggest chunk (83%) is owned by various government agencies while about 17% are privately owned lands which may be acquired.

Table II-3: Affected Total Project ROW Land

Affected Subterranean Land		
Government-Owned Land /LGU land	(sqm) (%)	52,261.77 83%
Privately-Owned Land	(sqm) (%)	10,514.28 17%
Total Project Right-of-Way	(sqm) (%)	62,776.05 100%

4. Right-of-Way Land Owned by Non-PNR Government Entities

60. Of the subterranean land that needs to be requisitioned from government agencies, 59% (37,326.91 sq m) will be coming from the Department of National Defense-Philippine Air Force. Another 17% (10,414.21 sq m) of the land required will have to be acquired from other government agencies, while 7% (4,520.65 sq m) will be acquired from the Bases Conversion Development Authority. Based on assessment of affected lands within the Department of National Defense and at the Bases Conversion Authority property reveal that there is marginal impact on the total land area of these 2 government agencies vis-a vis- the land that needs to be requisitioned for the railway undertaking, Marginal impact to the government land to be requisitioned from the other government agencies are observed, except for the Greater Manila terminal market, which will affect mostly the footpaths and roads within the affected lands, specifically in Barangays Fort Bonifacio, Western Bicutan and Villamor. (Details on the severity of impacts are shown in Table II-14 below).

Table II-4: Project ROW Land Owned by Non-PNR Government Entities

Item Description	National Gov't owned	Department of National Defense	Bases Conversion Development Authority	Total	%
Total Affected Area (sq,m)	10,414.21	37,326.91	4,520.65	52,261.77	100%
%	20%	71%	9%	100%	
Total Land Area	3,156,997.46	780,322.00	34,695.00	3,972,014.46	
Severity of Impact	Marginal	Marginal	Marginal		
	(0.33%)	(4.78%)	(13.03%)		

5. Number of Private Lots and Landowners

61. Sixteen (16) private landowners and Landowner-claimants staking claim to a total of 13 private lots which will require subterranean easement acquisition by the Tunnel Section. Of the total landowners, 13 LOs own a single parcel of land while 3 AHs claim ownership to two (2) unique parcels out of the 13 affected lots.

Table II-5: Number of Private Lots and LOs/LO-claimants

	No of unique private Lots	Total Landowners/ Landowner claimants	%
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Total	13	16	100%
%		100%	

6. Severely and Marginally Affected Public and Private Lands

62. Forty-two (42) parcels will be marginally affected due to subterranean easement acquisition.

Table II-6: Severely and Marginally Subterranean Affected Lands

	Marginally Affected Lands	Total Lands Affected	%
Total	42	42	100%
%	100%	100.0%	

7. Affected Private Lots

63. There are 16 LOs and landowner claimants of the private lands (whether they have proof of ownership or not) who stand to be affected by the project. Eleven (11) registered LOs, and three (3) landowner claimants were interviewed for the SES; two (2) registered LOs were not interviewed as their identities have not been established.

Table II-7: Affected Private Lots

	Affected Private Lots	Affected Households (all LOs/LO-claimants)			
		Surveyed (LO AH)	LO Claimant	LO not surveyed	Total
Barangay Fort Bonifacio	13	11	3	2	16

C. Rapid Survey on the Acceptance of Subterranean Easement Agreement

64. The Rapid Survey in the tunnel section was conducted on Nov 7, 2022 by the GCR RAP Land Acquisition Team. Of the total 14 interviewed private LOs, one (1) LO/CELA holder did not wish to participate in the survey. DOTr together with the Department of Environment and Natural Resources (DENR) will closely coordinate with the said LO. Of those interviewed, four (4) LOs presented proof of ownership (TCT), seven (7) are Certificate of Entitlement to Lot Allocation (CELA) holders, and three (3) who are land-claimants did not present any document.

Table II-8. Rapid Survey Results on the Acceptance of Subterranean Easement Agreement Private Landowners

Ownership Type	Land Use	Response to Survey	Remarks
Landowner (w/ TCT)	Residential	Yes, to agreement with condition.	They wanted to know their workable depth for future development.
Landowner (with TCT)	Residential	Yes, agree with perpetual easement	
Landowner (with TCT)	Residential	Yes, agree with perpetual easement	
Landowner (with TCT)	Residential	Yes, agree with perpetual easement	
CELA Holder	Residential	Agree with perpetual easement	Wife deceased. Husband provided the response
CELA Holder	Residential	Agree with perpetual easement	
CELA Holder	Residential / Commercial	Agree with perpetual easement	
CELA Holder	Residential	Agree with perpetual easement	
CELA Holder	Residential	No response, did not wish to participate in survey	
CELA Holder	Residential	Agree with perpetual easement	
CELA Holder	Residential	Agree with perpetual easement	Has the SPA and the representative of LO but could not provide the contact number of the LO CELA holder.
Claimant	Residential	Agree with perpetual easement.	
Claimant	Residential	Agree with perpetual easement	
Claimant	Residential	Agree with perpetual easement	

65-As for the government lands, there are eight (8) identified landowners under this RAP for Tunnel Section. Of this total, only two (2) were interviewed. The rest of the government agencies are awaiting for an official letter from the IA before providing any response. Below table shows the results on the survey with TUP and FTI.

66-For government LOs, the IA will negotiate and secure a government-to-government agreement on the use of the subterranean section of their properties. transaction.

Table II-9. Rapid Survey Results on the Acceptance of Subterranean Easement Agreement for Government Landowners

Name of Agency	Land Use	Response to Survey	Remarks
Technological University of the Philippines Taguig (TUP)	Institutional	No response	<p>Chief Admin Officer (CAO) Atty. Calingasan asked for the depth of the subway located in their property. He requested for the following: Project Plan/ Project Information/ Affected Properties (Exact), A draft of the contract/s for Questions 9.1 and 9.2 for presentation to the TUP Board of Regents for decision.</p> <p>Nov. 17 2022- Deadline for the requested Project Information/ Date and info on Depth and Affected Structures. Their Board Meeting is scheduled on the 1st week of December 2022.</p>
Food Terminal Incorporated (FTI)	Commercial	No response	<p>Survey will be presented to their lawyer. He asked for the MMSP Plan that includes the following: Description of the Project, FTI affected Areas including Structures, and Letter for appointment to the President. NOTE: All letters and Survey Questionnaires are all addressed to the President/ CEO.</p>

D. Tunnel Section overlap with the Makati-Buli Section

67. There are 12 lots that will be traversed by the Tunnel Section under the Makati-Buli Section mainline in three (3) locations: 1. After the MMSP Senate Station crossing under the NSCR-Ex Senate (DepEd) Station, formerly PNR Nichols Station; 2. Crossing under the NSCR-Ex Makati-Buli Mainline and 3. Merging under the NSCR-Ex Makati-Buli Mainline Section going to the FTI Station. The MMSP FTI Station is designed to be located under the NSCR-Ex FTI Station.

These stations are included in the Makati-Buli RAP. The alignment map and common lots affected can be found in Chapter 1. These 12 lots consisting of 9 private lots, 2 PNR lots and 1 public road lot are to be acquired under the Makati-Buli Section. Three (3) of the private lots will be partially affected by the mainline/tunnel overlap and the remaining areas of these lots will be partially affected by the tunnel section. The masterlist of the common lots are included in the appendices of this RAP.

CHAPTER III : SOCIO-ECONOMIC PROFILE OF AFFECTED PERSONS

68. This chapter briefly describes the Socio-Economic Profile of landowners and landowner-claimants whose subterranean portions of their private lands will be affected by the Project ROW. The survey covered landowners/landowner-claimants of the required subterranean project right-of-way (ROW) of the Tunnel Section under the NSCR-Ex project traversing the cities of Taguig, and Pasay. Based from the rapid survey conducted in November 2022 to supplement the Socio-Economic Survey (SES), 19 out of the 20 landowners/landowner claimants interviewed expressed acceptance of the proposed project and expect appropriate provision for compensation.

69. Section 4 of RA 10752 states that, “When it is necessary to build, construct, or install on the subsurface or subterranean portion of private and government lands owned, occupied, or leased by other persons, such infrastructure as subways, tunnels, underpasses, waterways, floodways, or utility facilities as part of the government’s infrastructure and development project, the government or any of its authorized representatives shall not be prevented from entry into and use of the subsurface or subterranean portions of such private and government lands by surface owners or occupants, if such entry and use are made more than fifty (50) meters from the surface.”

70. The survey/census covered landowners/landowner-claimants in Barangay Fort Bonifacio in Taguig City since those lot owners in Brgy. Western Bicutan are composed of government entities and unknown owners of road lots. Only 14 out of 16 private landowners/landowner-claimants were interviewed. Two (2) landowners who were not administered with SES have not been established or found, including a private institution.

A. Purpose of the Survey

71. The main purposes of conducting the survey are to:

- Determine impacts, losses, and the socio-economic profile of affected landowners/landowner claimants including their socio-demographic characteristics, tenure status, livelihood sources, economic status and/or living standards, and their access to basic services and facilities to update the preparation of the resettlement action plan (RAP);
- Identify and assess the vulnerability of APs, to further impoverishment; and
- Establish baseline data of the affected persons for measuring the social impact of the project.

B. Survey Methodology

72. Prior to the survey, courtesy calls and Information Education and Communication (IEC) meetings with the Local Government Unit (LGU) of

Taguig, and Stakeholder Consultation Meetings (SCMs) were conducted to explain the project details and the RAP activities, including the survey process, among others. After SCMs, parcellary research, replacement cost study and socio-economic survey were conducted.

73. There is no need to conduct a detailed measurement survey on any surface structure at this stage because no structure will be affected under this RAP, instead, a replacement cost study on the easement price of subterranean portion of land was carried out. In the event that the original economic purpose of the land will not be achieved after an assessment or the landowner refuses the offer for perpetual easement agreement and opts for surface land acquisition, an Addendum RAP will be separately prepared, after the submission of a Due Diligence Report to the ADB and JICA.

74. Due to COVID-19 pandemic, a blended method in data gathering was employed in the administration of the SES, either through phone or face-to-face interviews were conducted. Among those administered with SES via phone calls, the landowners were determined upon citation of tax declaration numbers of their property as proof of ownership which were reflected on the Parcellary Survey Forms while those administered with SES through face-to-face were requested to present their proof of ownership. The SES form was automated for efficiency and accuracy, with responses recorded in a database to minimize errors in data capture and encoding.

75. This chapter presents the socio-economic profiles of the interviewed eleven (11) Landowner and three (3) Landowner-claimant AHs of the private lands.

76. Responses were taken from landowners/ landowner-claimants using the household survey form described below:

- **Household survey form:** The form is designed to obtain data from all AHs who own or claim to own parcels affected in the Tunnel Section ROW which was delineated through a parcellary survey. This form recorded data on the landowner's or landowner-claimant households' socio-demographic characteristics, tenure status, monthly income, and expenditure, living condition, and residency. The design of the survey instrument allowed disaggregation of data by gender, and age, among others.

C. Schedule

77. The SES of the LO and LO-claimant APs who will be affected by subsurface acquisition was conducted in July 2021. Another round of SES was conducted last Feb. 21, 2022 to cover the remaining APs who were not administered with the SES during the first round.

D. Overview of the Survey Respondents

8. Affected Households

78. Table III-1 shows that all private LO and LO-claimant APs/AHs are in Barangay Fort Bonifacio in Taguig City where a total of 14 landowners /landowner-claimant out of the 16 landowners/landowner-claimants were surveyed.

Table III-1: Surveyed Project Affected Households, Affected Household Members, and Businesses

Location	AHs with SES		
	Total Private Landowners/ Landowner-claimants	Total AHs w/SES	Affected Household Members
Barangay Fort Bonifacio, Taguig City	16	14	55

9. Gender of Surveyed Household Heads

79. Of the 14 landowner/ landowner claimants interviewed, more than half (57%) or 8 are female-headed households while 6 (43%) are headed by males.

Table III-2: Gender of Household Heads

Total Number of HH Heads	Gender			
	Male	%	Female	%
14	6	43	8	57

10. Gender of Surveyed Household Members

80. Among the 55 members of the surveyed LO and LO-claimant households, a slightly higher proportion of males (53%) than females (47%) members is noted. Average size of this affected households ranges from 3-4 members.

Table III-3: Number of Households, Household Members by Gender and Average Household Size

Number of Households	Household Members				Ave. HH Size
	Male	Female	Total	%	
14	29	26	55	100	3.4
	53%	47%	100%		

11. Age Distribution of Surveyed Household Members

81. Of the 55 affected household members, more than half (58%) are 21-40 years old and 41-60 years old combined (32 APs). Those older (61 years and above) accounts to 1-2 in 10. Household members 20 years and below accounts to a fourth, as well (26%).

Table III-4: Number of Households and Members by Gender of Household Members

Gender	Age in Years							Total
	6 or less	7-12	13-16	17-20	21-40	41-60	61 & above	
Male	1	6	1	2	8	7	4	29
Female	2	1	1	0	8	9	5	26
Total	3	7	2	2	16	16	9	55
%	5%	13%	44%	4%	29%	29%	16%	100%

12. Educational Attainment of the Surveyed Household Members

82. Majority (67% of the total) of the household members have received at least high school education. Some high school level was achieved by 87 of the household members, 13 graduated from high school, 2 had vocational education while 13 had some college education and 8 graduated from college. There tends to be a slightly higher proportion of female household members than male who have had at least college education (22% vs. 16%). Meanwhile, those who have had elementary education to at most finishing their elementary account to 12 of the affected household members.

Table III-5: Educational Attainment Distribution of Household Members by Gender

Educational Attainment	Household Members					
	Male	%	Female	%	Total	%
Elementary Level	4	7%	2	4%	6	11%
Elementary Graduate	2	4%	1	2%	3	5%
High School Level	4	7%	3	5%	7	13%
High School Graduate	7	13%	6	11%	13	24%
Vocational/Technical	2	4%	0	0%	2	4%
College Level	6	11%	7	13%	13	24%
College Graduate	3	5%	5	9%	8	15%
Not applicable/ Not studying yet	1	2%	1	2%	2	4%
No response	0	0%	1	2%	1	2%
Total	29	53%	26	47%	55	100%

13. Ethnolinguistic Affiliation

83. The households living in the affected area are composed of people from a number of ethnic groups. Thirteen are Ilonggos while 1-2 in 10 have mixed ethnicity (20%) and Tagalogs (16%). To a lesser extent, other ethnic affiliation among the affected household members includes Cebuano (5), Bicolano (2), Waray (3), Karay-a (2) and 1 each among Ibanag and Batangueña. No less than a tenth (15% - 8 APs) on the other hand, did not disclose their ethnic affiliation.

Table III-6: Ethnolinguistic Affiliation of Surveyed Household Members by Gender

Ethnolinguistic Affiliation	Household Members					
	Male	%	Female	%	Total	%
Tagalog	5	9%	4	7%	9	16%
Ilonggo	7	13%	6	11%	13	24%
Bicolano	2	4%	0	0%	2	4%
Cebuano	2	4%	3	5%	5	9%
Karay-A	0	0%	2	4%	2	4%
Ibanag	0	0%	1	2%	1	2%
Waray	0	0%	3	5%	3	5%
Batangueno	1	2%	0	0%	1	2%
Mixed	7	13%	4	7%	11	20%
N/R	5	9%	3	5%	8	15%
Total	29	53%	26	47%	55	100%

14. Age of Surveyed Household Heads

84. Among the 14 heads of surveyed affected households, 1 is between 21-40 years old while 6 are between 41- 60 years old. Seven (7) are 61 years old and above. The data shows that there is an almost equal distribution by age and by gender among the surveyed household heads aged 21-40 years old and 61 years old and above.

Table III-7: Age Distribution of Surveyed Household Heads by Gender

Age Distribution	Population					
	Male		Female		Total	
	No.	%	No.	%	No.	%
21-40 years old	0	0	1	7	1	7
41-60 years old	3	21	3	21	6	43

61 years old & above	3	21	4	29	7	50
Total	6	43	8	57	14	100

15. Civil Status of Surveyed Household Heads

85. Seven (7) household heads confirmed to be married while three (3) are widows. Two (2) household heads each claim to be either separated or living in with a partner. The five (5) separated and widow household heads are all females.

Table III-8: Civil Status Distribution of Household Heads by Gender

Gender	Married	Separated	Widow/er	Live-in	Total
Male	5	0	0	1	6
Female	2	2	3	1	8
Total	7	2	3	2	14
%	50%	14%	21%	14%	100

16. Vulnerabilities Among AHs

86. There are nine (9) vulnerable households, comprising a total of 17 instances of vulnerabilities that were assessed among the affected households. Most number of vulnerabilities is that of households being headed by an elderly accounting to 7 households. There are 5 households headed by a solo parent with dependents while 4 households are below the poverty threshold.¹³ Instances where there is at least one member with disability is noted in just 1 household.

Table III-9: Number of Vulnerabilities Among AHs

	HH below the poverty threshold	HH headed by solo parents with dependents	HH headed by Elderly	HH with a member who is a person with a disability	Total Instances	Total Vulnerable AHs
Number of Vulnerability Instance	4	5	7	1	17	9
%	23%	29%	41%	6%	100 %	

¹³ Poverty threshold in the National Capital Region is at PhP12,000 for a family of 5 members. This is equivalent to PhP2,400 per member. Hence, by definition, if the share of each member to the household's total income is below PhP2,400, the household is classified to be living below the poverty threshold.

17. Vulnerable Households with Number of Vulnerabilities

87. Cases of vulnerability were assessed among 14 interviewed households and only 9 affected households were identified as vulnerable. Of these households, almost half (45%) were assessed with single vulnerability while more than half (55%) were assessed to have two or more vulnerabilities.

Table III-10: Vulnerable Households with Number of Vulnerabilities

	HH with Triple or more Vulnerabilities	HH with Double Vulnerabilities	HH with Single Vulnerability	Total
Number of AH	2	3	4	9
%	22%	33%	44%	100%

18. Structure Ownership Among Affected Households

88. All the landowner/ landowner claimants interviewed confirm ownership of the structures they reside in.

Table III-11: Structure Ownership Among Affected Households

	Owners		
	Male	Female	Total Owners
Number of AH	6	8	14
%	43%	57%	100%

19. Monthly Household Income (all sources)

89. Total monthly household income of the affected households covered in the survey is estimated at around PhP341,556.00 with monthly income averaging PhP24,000-25,000 per household. Range of monthly household income is between PhP1,230.00 to PhP76,256.00. A look at the distribution of income reveals that majority of households (57%) or 8 households earn less than PhP10,000 a month while 2 in 10 or 3 households earns between PhP 10,000-59,999 a month. Incidence of earning more than PhP60,000 occurs in 21% of the households. It appears that there are more male-headed households in the higher income brackets than their female counterparts.

Table III-12: Monthly Household Income (All Sources)

Income Bracket	No. of Male-Headed	% Male-headed	No. of Female-Headed	% Female-headed	Total AHs surveyed	Total %	No. of AHs Below the Poverty Threshold
Below PhP8,000	1	7%	2	14%	3	21%	3
PhP8,000 - PhP9,999	1	7%	4	29%	5	36%	1
PhP10,000 - PhP24,999	1	7%	0	0%	1	7%	0
PhP25,000 – PhP59,999	0	0%	2	14%	2	14%	0
PhP60,000 - PhP100,000	3	21%	0	0%	3	21%	0
Total	6	43%	8	57%	14	100%	4
Total Income of AHs	PhP341,556.00						
Average Monthly Income of AHs	PhP24,396.86						
Range of Monthly Income of AHs	PhP1,200.00-PhP76,256.00						

20. Monthly Household Expenses

90. Among affected households, basic household expense accounts for the bulk (97%) of expenditures. Food takes on most of these basic expenses accounting to no less than half of household expenditures (51%). Health related expenses follows next accounting to a little over a tenth (12%) of the of the total monthly household expenditure.

91. Expenses for communications and transportation are both on the third spot among those what the affected households spent monthly accounting to no less than 7% each of the household expense.

92. Non-food items (personal care/ household care) followed by electricity are closely in the fourth and fifth spots with 6% and 5% of total expenditures, respectively.

93. Share of expenses for water, cooking facilities, and education are at the bottom list of basic expenses accounting to about 4% of household expenditures or even less.

94. Secondary household expenses which would include rentals (land or house), tax, recreational expenses, life insurances, loan payments, financial support

etc. account to only 3% of total household expenditure among the affected households with expenses for recreation at 2%.

Table III-13: Monthly Household Expenses

Expense Item	PhP	%
Basic Household Expense Items		
Food	PhP 194,650.00	51%
Non-Food	PhP 22,700.00	6%
Power (Source of Light)	PhP 18,802.00	5%
Water	PhP 16,746.78	4%
Education	PhP 9,700.00	2%
Communications (inclusive of Internet)	PhP 26,748.00	7%
Transportation	PhP 25,120.00	7%
Health	PhP 46,100.00	12%
Cooking (LPG, Charcoal, Gas)	PhP 10,460.00	3%
Sub Total	PhP 371,026.78	97%
Secondary Household Expense Items		
Rent (Land)	0	0
Rent (House/Room)	0	0
Tax	0	0
Recreation	PhP 7,010.00	2%
Loan Payment	PhP 3,300.00	0.8%
Financial Support	PhP 3,000.00	0.7%
Life Insurance	0	0
Salary	0	0
Sub-total	PhP 13,310.00	3%
Total	PhP 384,336.78	100%

21. Household Goods/Property Owned

95. Approximately PhP39,004,450.00 worth of household goods and property are currently owned by the 14 affected households. The following are the top 10 household goods and property owned by the affected households: (i) house (20), (ii) cellphone (20), (iii) TV set (19), (iv) Bed (17), (v) refrigerator (16), (vi) washing machine (14) (vii) electric fans (14), (viii) sala set (13), (ix) dining set (13) and (x) range/oven (10). More household goods and property (101) are owned by female-headed households compared to those owned by male-headed households (96).

96. The top 5 household goods/property owned that have the highest estimated total values are: (i) house (PhP37,332,400.00), (ii) cellphones (PhP329,000.00), (iii) TV set (PhP 275,200.00), (iv) Tricycle (PhP180,000.00),

(v) Refrigerator (PhP155,000). Other goods owned include, motorcycle, car, computer desktops/ laptops, stereo component, rice cooker, and air conditioners, among others.

97. Note however, that some properties owned have not been disclosed of its value at the same time not all of those who owned a specific household good declared the value of the items they owned.

Table III-14: Household Goods/Property Owned

Household Goods/Property Owned	Number owned by Female Headed Households	Number owned by Male Headed Households	TOTAL Households Good Owned	Total Estimated Value PHP
House	11	9	20	₱37,332,400.00
Car	1	2	3	No data
Tricycle	2	1	3	₱180,000.00
Motorcycle	3	1	4	₱140,000.00
Landline Telephone	1	1	2	₱4,700.00
Cellphone	11	9	20	₱329,000.00
Computer/Laptop/Tablet	3	3	6	₱71,000.00
TV Set	10	9	19	₱275,200.00
Stereo component	4	3	7	₱79,500.00
Refrigerator	7	9	16	₱155,000.00
Washing Machine	8	8	16	₱65,500.00
Oven/range	4	6	10	₱67,800.00
Microwave	2	2	4	₱15,500.00
Bed	9	8	17	₱87,500.00
Sala set	7	6	13	₱115,500.00
Dining Set	6	7	13	₱58,600.00
Electric Fan	9	5	14	₱16,150.00
Aircon	2	2	4	₱6,000.00
Rice Cooker	0	2	2	₱2,600.00
Others:	1	3	4	₱2,500.00
Grand Total	101	96	197	₱39,004,450.00
%	47%	53%	100%	

22. Primary Source of Household Members' Income

98. Among the 41 affected household members who are aged 21 years and above, 32 (80%) have sources of income. At most 4-5 in 10 or 20 earn wage-based income while close to a fifth or 9 earn from enterprise-based economic activities. Income from remittances holds true to 3 of affected household members aged at least 21 years and above. A fifth no less or 9 of affected

household members (ages 21 and above) confirm that they have yet to find a job to earn an income.

Table III-15: Primary Source of Household Members' Income

	Land-Based	Wage-Based	Enterprise - Based	Remittance- Based	No occupation (at least 21 years old)	Total	%
Number of HH Members	0	20	9	3	9	41	100%
%	0.0%	49%	22%	7%	22%	100%	

23. Household Members Whose Primary Source of Income is Enterprise-Based

99. Of the 9 household members with enterprise-based income, there are more female (6) household members compared to their male counterparts (3). Enterprise-based activities include transport (1 male)) and room rentals (4 females). Four (4) household members opted not to disclose what type of enterprise-based business they are involved in.

Table III-16: Household Members Whose Primary Source of Income is Enterprise-Based

Type of Enterprise	Male	Female	Total	%
Transport	1	0	1	11%
Room rentals	0	4	4	44%
No response	2	2	4	44%
Total	3	6	9	100%
%	33%	67%	100%	

24. Household Members Whose Primary Source of Income is Wage-Based Occupation

100. Wage-based income generating activity holds true to 20 of affected household members with more males (13) engaged in such income activity than females (7). The bulk (11) of these wage-based workers are employed in the service industry with more men inclined to this line of work. Twenty percent or 4 household members cited office works as nature of their waged-based activity. Other types of wage-based jobs but to a lesser extent include construction works, driver, laborers and sea-based careers.

Table III-17: Household Members Whose Primary Source of Income is Wage-Based Occupation

Type of Wage-based Work	Male	Female	Total	%
Construction works	1	0	1	5%
Drivers	1	0	1	5%
House help/Laborer	0	1	1	5%
Office works	2	2	4	20%
OFW/Sea farers/Sea-cased career	1	1	2	10%
Service Industry	8	3	11	55%
Total	13	7	20	100%
%	65%	35%	100%	

25. Status of Employment for the Wage-based Primary Income Source

101. More than half (65% or 13) of affected household members who are engaged in wage-based jobs hold temporary/contractual appointment while the remaining household members (35% or 7) have permanent employment.

Table III-18: Status of Employment for the Wage-based Primary Income Source by Gender

Gender	Regular/ Permanent	Contractual/ Casual/ Seasonal/ Intermittent	Total	%
Male	4	9	13	65%
Female	3	4	7	35%
Total	7	13	20	100%
%	35%	65%	100%	

26. Location of Primary Source of Income

102. Of the 32 household members with primary sources of income and aged at least 21 years old, about 44% (14 APs) confirm in the survey conducted that their primary sources of income are located either in nearby barangay within the same city of residence or in other city or municipality. Five (5) or 16% reported that their income generating activities are done within their barangay/neighborhood while three (3) are employed overseas. Five (5)

affected household members claim that there is no definite place where they conduct their work activity while 3 did not provide any response.

Table III-19: Location of Primary Source of Household Income

Location	Number of HH Members	%
Own residence/house	3	9%
Within barangay or neighborhood	5	16%
Near barangay within city of residence	7	22%
Other city or municipality	7	22%
Overseas	2	6%
No definite area	5	16%
No response	3	9%
Total	32	100%

27. Secondary Source of Household Income

103. A total of 9 APs reported to have a secondary income generating activity. Four (4) are doing enterprise-based activities to augment their primary source of income. Three (3) APs confirmed that they receive remittances, apart from their main source of income. One AP claim to be involved in land-based income activity (game-fowl raising) while same number of AP reported to have a wage-based job as secondary source of income.

Table III-20: Secondary Source of Household Income

Gender	Land-Based	Wage-Based	Enterprise-Based	Remittance-Based	Total	%
Male	1	0	2	0	3	33%
Female	0	1	2	3	6	67%
Total	1	1	4	3	9	100%
%	11%	11%	44%	33%	100%	

28. Type of Enterprise of Household Members with Enterprise-based Secondary Income Source

104. Of the 4 APs who claim to have enterprise-based activity as secondary source of income, one is involved in food processing and food catering business while 2 are in the room or commercial space rental business. Still one (1) AP opted not to disclose the type of enterprise-based source of income he/she is engaged in.

Table III-21: Household Members Whose Secondary Source of Income is Enterprise-Based by Gender

Type of Enterprise	Male	Female	Total	%
Food catering/ Carinderia	0	1	1	25%
Room/ Commercial Stall rentals	2	0	2	50%
No response	0	1	1	25%
Total	2	2	4	100%
%	50%	50%	100%	

29. Household Members Whose Secondary Household Income is Wage-Based

105. The lone female AP who has a wage-based income generating activity as secondary source of income confirms that she is a public official in the barangay.

30. Location of Secondary Source of Household Income

106. Out of the 9 APs who claim to have a secondary source of income, 2 reported that they conduct their income generating activities within their own house. One (1) AP does her/his work within their barangay and one (1) AP in other city/municipality while two (2) APs who receive remittances confirmed that their source of income comes from abroad or somewhere else. There are 3 APs who did not report the location of source of their secondary work.

Table III-22: Location of Secondary Source of Household Income

Location	Number of HH Members	%
Within own residence	2	22%
Within barangay	1	11%
Other city /municipality	1	11%
No definite area/Overseas	2	22%
No response	3	33%
Total	9	100%

31. Membership in Financial Institutions

107. Membership to financial institutions holds true to the affected households. It may be noted though that some households have multiple membership especially female household heads. Of the households who

declared membership, 7 are members of SSS while 2 are members of HDMF/Pag-Ibig Fund. Non-membership to at least 1 financial institution is apparent to 3 households, while 4 male-headed households did not disclose if they have any membership affiliation.

Table III-23: Membership in Financial Institutions by Gender (multiple responses)

Gender	HDMF/ Pag-IBIG Fund	SSS	None	No response	Total	%
Male	0	1	1	4	6	38%
Female	2	6	2	0	10	62%
Total	2	7	3	4	16	100%
%	13%	44%	19%	25%	100%	

32. Access to Water

108. Majority (8 of the 14 AHs) of affected households covered in the survey claimed that they have their own water pipe connection while 2 share access to water with neighbor or the community where they live in. Some 4 affected households did not disclose their source of water.

Table III-24: Access to Water

	Own Piped Connection	Shared with Neighbor	No response	Total
		(Community Faucet)		
Number of AHs	8	2	4	14
%	57%	14%	29%	100%

33. Access to Sanitation Facilities

109. Of the 14 affected households covered in the survey, 7 have their own water sealed toilet while 3 share communal toilets in their barangay or community. About 4 households preferred not to disclose their sanitation facilities.

Table III-25: Access to Sanitation Facilities

	Own Water Sealed Toilets	Communal/Brgy. Toilet	No response	Total
Number of Ahs	7	3	4	14

%	50%	21%	29%	100%
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34. Access to Energy

110. Ownership of own meter for power connection holds true to majority of households covered (10 out of 14), while 4 did not disclose their electric power source.

Table III-26: Access to Energy

	Own Electric Meter for Power Connection	No response	Total
Number of AHs	10	4	14
%	71%	29%	100%

35. Main Cooking Facilities

111. Relative to main cooking facility, usage of LPG is most prevalent among the 14 households covered in the survey. Four (4) felt reluctant to disclose their cooking facility used.

Table III-27: Main Cooking Facilities Among Affected Households

	LPG	No response	Total
Number of AHs	10	4	14
%	71%	29%	100%

36. Type of Residence

112. Among households covered in the survey, all confirmed using the structure in the affected land as a primary residence.

Table III-28: Type of Residence

	Primary Residence	Total	%
Number of AHs	14	14	100%
%	100%	100%	

37. Number of Years in Current Location

113. Majority of the 14 AHs covered in the survey have been living in their current location for more than 20 years already while 2 households have been residing in the area within the last 20 years. Four (4) households did not provide any information.

Table III-29: Number of Years in Current Location

	Less than 20 Years	More than 20 years	No response	Total
HHs	2	8	4	14
%	14%	57%	29%	100%

38. Place of Previous Residence

114. The bulk of affected households (6) were transferees from other areas in Metro Manila. One (1) of the household claimed to have lived in a different area from the same barangay while 3 have been residing in their place of residence since birth and 3 households were previous residents from outside of Metro Manila. One (1) household did not provide information on previous residence.

Table III-30: Place of Previous Residence

	Same Barangay	W/in Metro Manila/ Other Cities in MM	Outside Metro Manila/ Other provinces	Residing on the same place since birth	N/R	TOTAL
HHs	1	6	3	3	1	14
%	7%	43%	21%	21%	7%	100%

39. Reasons for Establishing Residence in Current Location

115. Among the 10 affected households who came from another place prior to current location, 50% cited social reasons for their transfer more specifically their desire to be close to their families. The other half of the households cited economic concerns as reason for their relocation, particularly the proximity of the current residence to their livelihood (4) and the offer for rent free/affordable cost of house rental (1).

Table III-31: Reasons for Establishing Residence in Current Location (Multiple Response)

	Total	%
Number of AHs who came from other places	10	100%
Economic Reasons	5	50%
Proximity to Livelihood	4	40%
Rent free/Affordable rental	1	10%
Social reasons	5	50%
Family ties/ Need to be closer with family/ family of spouse	5	50%

40. Preferred Location of Relocation Site, if needed to relocate

116. If ever there is relocation needed, the possibility of being relocated still within the same city or municipality is likely preferred by most or 9 of the affected households. One household expressed preference to be relocated in other areas within Metro Manila while 4 households did not give any comment of where they want to be relocated.

Table III-32: Preferred Location of Relocation Site

	Within the same city/ Municipality	Within Metro Manila	No response	Total
Number of AHs	9	1	4	14
%	64%	7%	29%	100%

41. Affected AHs Considerations for Choosing a Relocation Site

117. Affected households have various considerations in the choice of relocation sites. More than a fifth or 23% said proximity to market/malls and access to public transport, and 9 APs said proximity to work or livelihood opportunities. Some 5 APs chose proximity of the relocation site to schools (11%). Consideration on the presence of church within the vicinity holds true to almost tenth of the total (9 APs). Two (2) APs have taken into account the proximity of the site to recreational facilities.

Table III-33: AHs Considerations for Choosing Relocation Site (multiple responses)

Relocation site consideration	Male	Female	Total	%
Near Work Livelihood Opportunities	1	8	9	20%
Near schools	0	5	5	11%
Near market/malls	2	8	10	23%
Access to public transportation	2	8	10	23%

Near church	0	4	4	9%
Near recreational activities	0	2	2	5%
N/R	4	0	4	9%
Total	9	35	44	100%
%	20%	80%	100%	

42. Number of Previously Relocated Households

118. There were no identified households in the affected area who have experienced relocation to government housing sites previously.

43. Renting Out Businesses

119. Eight (8) renting out businesses were identified in the affected area. These are APs who earn income from renting out either residential or commercial space of properties they own. Five of these businesses are owned by males while the rest are owned by females.

Table III-34: Profile of APs Owning Renting-Out Businesses

	No. of Male Owners	No. of Female Owners	Total
Number of APs	5	3	8
%	62%	38%	100%

44. Home-Based Enterprises

120. There is only 1 home-based enterprise (sari-sari store) to be affected by the Tunnel Section, in case there will be a need to acquire the surface land area.

45. Gross Monthly Income of Renting Out Businesses

121. Among those identified in the renting out businesses, 5 estimate their gross monthly income at no more than PhP9,999 while 2 earn between PhP10,000 to PhP 25,000 a month. Only one (1) of those in the renting out businesses earns more than PhP 25,000 a month. In total, gross income from these businesses approximates to PhP87,400.00 per month. For each entity, one would likely earn around PhP10,925 on average per month.

Table III-35: Gross Monthly Income of Renting Out Businesses

Income Bracket	Number of Enterprises
PhP0 – Ph9,999	5
PhP10,000 - PhP24,999	2
PhP 25,000-30,999	1
Total	8
Total Monthly Income	PhP87,400.00
Average Monthly Income	PhP10,925.00
Range of Monthly Income	PhP1,000 – PhP27,000

46. Type of Affected Businesses

122. Of the 8 renting out business identified, 7 are engaged in house or room rentals while 1 is in commercial/space leasing.

Table III-36: Type of Affected Businesses

Type of Business	No. of Business
Commercial Space/Unit Rental	1
House/Room Rental	7
Total	8

47. Type of Ownership of Businesses

123. All of the renting out businesses identified are owned by a single proprietor.

Table III-37: Type of Ownership of All Businesses

Type of Business	Single Proprietorship
Renting out	8

48. Type of Registration/License/Permit of Businesses

124. Of the 8 renting-out businesses identified in the area, 2 have only a barangay permit to attest legitimacy of their renting out businesses, 2 have city permits, and 4 admit to not having any registration or permit to operate their renting out business.

Table III-38: Type of Registration/License/Permit of Businesses

Type of Business	City Permit	Barangay Permit	Without License/Permit/Registration	Total
Renting out	2	2	4	8
%	25%	25%	50%	8

49. Years of Operation of Businesses

125. Half or 4 of those in the renting out business in the affected area have been operating for 1- 10 years, 3 have been the business for 11-20 years and 1 is operating for more than 30 years.

Table III-39: Years of Operation of Businesses

Type of Business	1 – 10 years	11 – 20 years	31 – 40 years	Total
Renting out	4	3	1	8
%	50%	38%	12%	100%

CHAPTER IV : LEGAL AND POLICY FRAMEWORK

A. Policies and Guidelines Applied to the Project

126. In this project, the land acquisition and resettlement policies, especially the compensation and entitlements, shall adhere to Philippine laws, rules, and regulations, as well as internationally accepted standards as set forth in JICA Guidelines (2010) and ADB's Safeguard Policy Statement (SPS 2009). JICA conforms with and adopts the World Bank's Safeguards Policies, OP 4.12 as the benchmark of internationally accepted standards of international finance organizations.¹⁴

127. The following paragraphs initially summarize the pertinent Philippine laws, rules, and regulations, as well as JICA and ADB requirements on involuntary resettlement and Indigenous Peoples (IPs) applicable for subsurface land acquisition. The Section G of this chapter compares JICA/ADB requirements and policies with those of the Philippines and where policy differences and/or gaps have been identified, recommended measures to harmonize these gaps are outlined. In case of discrepancies between the Philippines laws, regulations, and procedures, and ADB's and JICA's policies and requirements, the gap filling measures identified in will prevail. The principles and objectives of the policies of ADB and JICA are very similar with respect to social safeguards. The outcomes of the analysis of policies in this chapter informs the discussion in the latter part of this chapter, which outlines the project-specific policies to be followed in the preparation and implementation of the Resettlement Action Plan (RAP), as approved by the DOTr, JICA, and ADB.

B. Philippine Legal Framework

128. This RAP is guided by the policy framework derived from the Philippine Constitution, pertinent GoP laws and applicable executive, administrative and department orders. The applicable legal references are listed in Table IV-1 and the summaries of these laws and policies are presented in the succeeding sections.

Table IV-1: List of Applicable Legal Framework

No.	Philippine Constitution and Pertinent Laws
1	Philippine Constitution 1987
2	Republic Act No. 10752 (The Right-of-Way Act)
3	Republic Act No. 7160 (Local Government Code of 1991)
4	Republic Act No. 386 (Civil Code of the Philippines)
5	Republic Act No. 8371 (Indigenous Peoples Rights Act of 1997)
6	Republic Act No. 9679 (Home Development Mutual Fund Law of 2009)
7	Commonwealth Act no. 141 (Public Land Act of 1936)
8	Republic Act No. 6685 (December 1988)

¹⁴ The World Bank applies a new set of environment and social policies called the Environmental and Social Framework from 2018. As of June 2019, JICA adopts the December 2001 (revised April 2013) guidelines.

9	Republic Act No. 9994 (February 2010) (Expanded Senior Citizen Act of 2010)
10	Republic Act No. 7277 (Magna Carta for Disabled Persons of 1992) as Amended by R.A. 9442
11	Batas Pambansa 220 (June 1982)
12	Presidential Decree No. 1096 (National Building Code of the Philippines, February 1977)
13	Republic Act No. 8424 (The National Internal Revenue Code of 1997)
No.	Executive, Administrative, and Department Orders
1	Executive Order No. 1035, Series of 1985
2	Executive Order No. 48, Series of 2001
3	Executive Order No. 708, Series of 2008
4	Executive Order No. 272, Series of 2004
5	Executive Order No. 69, Series of 2012
6	DOTr Department Order No. 2013-05
7	BIR Revenue Regulations 2-98
No.	Relevant Manuals, Policies and Memorandum Circulars
1	DOTr Right-of-Way and Site Acquisition Manual (ROWSAM)
2	DPWH Right-of-Way Acquisition Manual (DRAM)
3	Land Acquisition, Resettlement, Rehabilitation, and Indigenous Peoples' Policy, 2007
4	HLURB Memorandum Circular No. 13, Series of 2017

1. Philippine Constitution of 1987

129. The pertinent constitutional provisions on involuntary resettlement are as follows:

- (i) Article III, Bill of Rights, Section 1: "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."
- (ii) Article III, Bill of Rights Section 9: "Private property shall not be taken for public use without just compensation".
- (iii) Article XIII, Urban Land Reform and Housing, Section 10: "Urban or rural poor dwellers shall not be evicted, nor their dwelling demolished, except in accordance with law and in a just and humane manner. No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated."

2. Republic Act No. 10752 (The Right of Way Act)

130. This law, enacted on March 7, 2016, repeals Republic Act (R.A.) No. 8974, the act to facilitate the acquisition of right-of-way (ROW), site or location for national Government infrastructure projects and other purposes. Both laws (R.A. 8974 and R.A. 10752) are based on the premise that private property shall not be taken for public use without just compensation (Article III, Section 9 of the 1987 Constitution). R.A. 10752 was enacted to further strengthen the

said constitutional provision and ensure that property owners and project-affected properties impacted by national government infrastructure projects would be given just compensation. The Implementing Rules and Regulations (IRR) of R.A. 10752 were promulgated on May 25, 2016, to carry out the provisions of the said Act.

131. Main provisions in R.A. 10752 sought to expedite the implementation of infrastructure projects while ensuring that just and equitable compensation be provided to the project-affected persons. The pertinent revisions in R.A. 10752 include: (i) expansion in scope of national government projects, (ii) refining the modes of acquisition, (iii) compensation based on replacement cost for land, structures, and improvements, (iv) changes in guidelines for expropriation proceedings, (v) payment terms, and (vi) appropriation.

a. Perpetual Easement of Subsurface Right-of-Way

132. As provided in Section 4 of the Right-of-Way Act, when it is necessary to build, construct, or install on the subsurface or subterranean portion of private and government owned lands owned, occupied or leased by other persons, such infrastructure as subways, tunnels, underpasses, waterways, floodways, or utility facilities as part of the government's infrastructure and development project, the government or any of its authorized representatives shall not be prevented from entry into and use of such private and government lands by surface owners or occupants, if such entry and use are made more than fifty (50) meters from the surface.

133. In accordance with Section 11 of the IRR for R.A. 10752, the IA shall duly consult with and notify the affected property owners of any acquisition of subsurface right of way needed for the infrastructure projects.

134. Further, if the national government project involves underground works within a depth of fifty (50) meters from the surface, the IA may undertake the mode of acquisition in the following order:

- a. Negotiate with the property owner a perpetual easement of ROW for the subterranean portions of his property required by the project; and
- b. Offer to acquire from the property owner the affected portion of the land, including the affected structures, improvements, crops, and trees therein in accordance with the provisions of the Act.

135. To assist the IA in determining (a) the appropriate price offer for the perpetual easement of the ROW under Section 11a of the IRR or (b) the appropriate price offer for the affected land including structures, improvement, crops, and trees under Section 11b of the IRR, the IA may engage the services of a GFI or an IPA, in accordance with the procedure provided in Section 6 of this IRR. The easement price under Section 11a of the IRR shall be twenty percent (20%) of the market price of the land.

136. **Current Market Value of Land.** Section 5(a)(1) of R.A. 10752 provides that the valuation of land under negotiated sale would be based on the current

market value of the land. Section 7 of the same Act enumerates the standards for the assessment of the value of land to wit:

- (i) The classification and use for which the property is suited;
- (ii) The development cost for improving the land;
- (iii) The value declared by owners;
- (iv) The current selling price of similar lands in the vicinity;
- (v) A reasonable disturbance compensation for the removal and demolition of certain improvements on the land and for the value of improvements thereon;
- (vi) The size, shape or location, tax declaration and zonal valuation of the land;
- (vii) The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and
- (viii) Such facts and events as to enable the affected property owners to have sufficient funds to acquire similarly situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.

137. **Replacement Cost for Structures and Improvements in the event that surface land is required.** Section 5(a)(2) states that the IA may offer to acquire, through negotiated sale, the compensation price equivalent to the replacement cost of structures and improvements. Under Section 6.6 of the IRR of R.A. 10752, the replacement cost of structures or improvements affected by the ROW shall be based on the current market prices of materials, equipment, labor, contractors profit and overhead, and all other attendant costs associated with the acquisition and installation of a similar asset in place of the affected asset. In addition:

- (i) If the affected structure has been damaged, then the replacement cost should be the pre-damaged condition of that structure;
- (ii) The replacement cost of the structure may vary from the market value of the existing structure, since the structure that would actually replace it may have a different cost at current market prices; and
- (iii) The replacement structure has to perform the same functions and meet the performance specifications as the original structure.

138. Section 5(b) of R.A. 10752, states that for owners of structures and improvements with no legally recognized rights to the land, payment of the replacement cost of structures and improvements shall apply as long as they meet all of the following conditions:

- (i) Are Filipino citizens;
- (ii) Do not own any real property or other housing facility in any urban or rural area; and
- (iii) Are not professional squatters or members of a squatting syndicate as defined in the Urban Development and Housing Act of 1992.

- (iv) Although the IRR of R.A. 10752 provides a fourth condition, “Must not occupy an existing government ROW”, this is not included in the Act.¹⁵

139. **Current Market Value of Crops and Trees.** Section 5(a)(3) states that the IA may offer to acquire, through negotiated sale the compensation price equivalent to the current market value of crops and trees.

140. With regards to acquisition of properties under C.A. No. 141, the following provisions of Section 4 are noteworthy:

- (i) If the landowner is not the original patent holder and any previous acquisition of said land is not through a gratuitous title (i.e., inheritance, donation, or negotiation), then the government will follow the other modes of acquisition (in order) as enumerated above;
- (ii) If the landowner is the original patent holder or acquisition of the land from the original patent holder is through a gratuitous title (i.e., by donation, inheritance, conveyance to kin without corresponding compensation), then they will be subject to the provisions of C.A. No. 141 or Presidential Decree (P.D.) No. 635. Under these statutes, the landowner is not qualified to compensation for land within the lien but is qualified for compensation of structures and other improvements within the lien at replacement cost, plus financial assistance as provided for in E.O. 1035. Under C.A. No. 141, a ROW strip not exceeding 20m in width within the land acquired under the law, or 60m (under P.D. 635) is reserved for public use. P.D. 1361 further allowed the utilization of the reserved ROW for temporary buildings for Resident/Project Engineers needed in the execution of an infrastructure project.
- (iii) The implementing agency (IA) may utilize donation or similar mode of acquisition if the landowner is a government owned or government-controlled corporation.

b. Guidelines on Expropriation Proceedings

141. **Section 6(b) of R.A. 10752 and Section 7 of the IRR**, states that for expropriation cases, the Implementing Agency is mandated to deposit to the court the following upon filing of the expropriation complaint:

- (i) 100% of the Bureau of Internal Revenue (BIR) zonal value of the land,
- (ii) Replacement cost of structures and improvements, as determined by the IA, appraised by a Government Financial Institution (GFI) with adequate experience in property appraisal or an Independent Property Appraiser (IPA), and
- (iii) Current market value of crops and trees within the property (as determined by the GFI or IPA).

142. If within seven (7) working days after the deposit to the court is made and the court has not issued a writ of possession (WOP) to the implementing agency (IA), the counsel of the IA shall immediately seek from the court the

¹⁵ The applicability of this provision to the project is discussed in Chapter 5.

issuance of the WOP. The Court shall issue the WOP ex parte; i.e., no hearing shall be required.

143. In cases wherein the completion of the government infrastructure project is of utmost urgency and importance, R.A. 10752 allows for the expeditious processing for areas where there is no zonal classification or where the zonal valuation has been enforced for more than three years. In such cases, the IA will use the BIR zonal value and land classification of similar lands in the adjacent vicinity as basis for valuation.

144. The law obliges the court to determine the just compensation to be paid to the owner within 60 days from the date of the filing of the expropriation case. The difference between the deposited payment and just compensation adjudged by the court has to be paid by the agency when the court's decision becomes final and executory.

c. Payment of Taxes

145. If requested by the property owner, the IA can remit to the concerned LGU any unpaid real property tax, provided that its amount is not more than the value offered of the subject property. Said remittance will be deducted from the total negotiated price.

146. Under negotiated sale, the IA pays for the account of the seller, the capital gains tax, as well as the documentary stamp tax, transfer tax, and registration fees. The property owner pays any unpaid real property tax.

147. Under expropriation proceedings, the IA pays the documentary stamp tax, transfer tax, and registration fees, while the owner pays the capital gains tax and any unpaid real property tax.

d. Payment Terms

148. **Section 5(f) of R.A. 10752**, states the IA will pay the property owner upon execution of the Deed of Sale:

- (i). 50% of the negotiated price of the affected land (exclusive of unpaid taxes remitted to the LGU), and
- (ii). 70% of the negotiated price of the affected structures, improvements, crops, and trees (exclusive of unpaid taxes remitted to the LGU) upon execution of the deed of sale.

149. **Section 5(g) of R.A. 10752**, states the remaining payment for the affected property will be as follows:

- (i). For land, the remaining 50% of the negotiated price of the affected land will be paid, exclusive of unpaid taxes remitted to the concerned LGU (if any):
 - At the time of transfer of title in the name of the Republic of the Philippines, in cases where the land is wholly affected; or
 - At the time of the annotation of a deed of sale on the title, in cases where the land is partially affected.
- (ii). For affected structures, improvements, crops, and trees, the remaining 30% will be compensated, exclusive of unpaid taxes remitted to the concerned

LGU (if any), if the land is already completely cleared of such structures, improvements, crops, and trees.

e. Easement Agreement

150. **Section 10 of R.A. 10752**, states that if a portion of lot needed for the ROW is minimal – that the cost for surveying or segregating the portion from the main lot would be greater than the value of the lot needed – then the IA may, if the property owner agrees, resort to the mode of Easement of ROW provided under the Civil Code.

151. A ROW easement agreement can be executed between the property owner and the IA – with the former granting the latter the right to use the affected portion of the lot as ROW, and the owner retaining ownership of the land. Under such cases, the IA will pay the owner the following:

- (i). Value for the portion of the lot based on the existing zonal value declared by the BIR; and
- (ii). Value of the structures and improvements on land based on replacement cost.

152. The IA will be responsible for the registration of the ROW easement agreements with the Register of Deeds within 10 days from the date of execution, with the Registry of Deeds required to annotate on the Titles the agreements within seven days from receipt of the registration.

f. Government Appropriation

153. **Section 10 of R.A. 10752** stipulates that the government shall provide adequate appropriations that will allow implementing agencies to acquire the required ROW for the national government infrastructure projects in advance of the project implementation. This includes the following:

- (i) Cost for parcellary surveys and appraisal of project-affected properties;
- (ii) Compensation for project-affected land, structures and improvements, crops, and trees;
- (iii) Cost of development and implementation of resettlement projects including planning, social preparation, and other activities under the RAP;
- (iv) and Related expenses of the IA, including capital gains tax in the case of negotiated sale, documentary stamp tax, transfer tax, and registration fees for the transfer of titles, and other relevant administrative expenses for ROW management.

154. **Section 15c of the IRR of R.A. 10752** provides a more detailed description of the third bullet. It states that where necessary, cost of implementation of resettlement projects may include land development and housing construction, provision of basic services and community facilities,

livelihood restoration and improvement¹⁶, and other activities under RAP in coordination with concerned government agencies.

3. Republic Act No. 7160 (Local Government Code of 1991)

155. This Code establishes the system and defines powers of provincial, city, municipal and barangay governments in the Philippines. Relevant sections include:
156. **Section 2(c) of R.A. 7160** stipulates the policy of the state to require all national agencies and offices to conduct periodic consultations with appropriate LGUs, non-governmental and people's organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions.
157. **Section 17(b) of R.A. 7160** states that LGUs shall exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to the efficient and effective provision of basic services and facilities. Provincial LGUs are mandated to provide such basic services and facilities except for housing projects funded by the Social Security System (SSS), Government Service Insurance System (GSIS), and the HDMF.
158. **Section 17(c) of R.A. 7160** provides that public works and infrastructure projects and other facilities funded by the national government under the annual general appropriations act, other special laws, pertinent executive orders, and those wholly or partially funded from foreign sources, are not covered under Section (b), as described above, except in those cases where the LGU concerned is duly designated as the IA for such projects, facilities, programs, and services.
159. **Section 19 of R.A. 7160**, an LGU, through its chief executive and acting pursuant to an ordinance, may exercise the power of eminent domain for public use, or purpose, or welfare for the benefit of the poor and the landless upon payment of just compensation, pursuant to the provisions of the Constitution and pertinent laws. Provided, however, that the power of eminent domain may not be exercised unless a valid and definite offer has been previously made to the owner, and such offer was not accepted.
160. Further, the LGU may immediately take possession of the property upon the filing of the expropriation proceedings and upon making a deposit with the proper court of at least fifteen percent (15%) of the fair market value of the property based on the current tax declaration of the property to be expropriated: Provided, finally, that the amount to be paid for the expropriated property shall be determined by the proper court, based on the fair market value at the time of the taking of the property.

¹⁶ As of now, there is no standard or guidelines for livelihood restoration and improvement as they relate to losses that come from land acquisition.

161. **Section 20(a) of R.A. 7160** states that of the city or municipality may, through an ordinance passed by the Sanggunian after conducting public hearings for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases:

- i. When the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture (DA); or
- ii. Where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined by the Sanggunian concerned.

162. Provided, that such reclassification shall be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance:

- i. For highly urbanized and independent component cities, fifteen percent (15%);
- ii. For component cities and first to third class municipalities, ten percent (10%); and
- iii. For fourth to sixth class municipalities, five percent (5%): Provided, further, that agricultural lands distributed to agrarian reform beneficiaries pursuant to R.A. No. 6657¹⁷, otherwise known as "The Comprehensive Agrarian Reform Law", shall not be affected by the said reclassification and the conversion of such lands into other purposes and shall be governed by Section 65 of said Act.

163. **Section 20(c) of R.A. 7160** states that the LGUs shall, in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources. The requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.

164. **Section 27 of R.A. 7160** provides that no project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2(c) above are complied with, and prior approval of the Sanggunian concerned is obtained. Provided that occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution.

¹⁷R.A. No. 6657 enacted in 1988 is an Act instituting a comprehensive agrarian reform program to promote social justice and the establishment of owner cultivatorship of economic-size farms as the basis of Philippine agriculture. To this end the State encourages and undertakes the just distribution of all agricultural lands, subject to the priorities and retention limits set forth in the Act.

4. Republic Act No. 386 (Civil Code of the Philippines)

165. **Title VII of R.A. 386**, provides methods for acquiring and extinguishing easements or servitudes.

166. **Article 613** defines an easement or servitude as an encumbrance imposed upon an immovable for the benefit of another immovable belonging to a different owner. Further the section states that the immovable in favor of which the easement is established is called the dominant estate, and that, which is subject thereto the servient estate. For example, this section of the Civil Code is relevant to ROW acquisition when the government (i.e., the dominant estate) can require easements due to new public infrastructure. This can impose restrictions to owners (i.e., the servient estate) on land use, as the owner is required to allow perpetual use of portions of his/her land for public purpose.

167. R.A. 386 provides definitions and guidelines that are relevant to this legal framework as enumerated below:

a. Chapter 1 – Easements in General, Sections 1-4

- i. Article 615 - Continuous easements are those the use of which is or may be perpetual, without the intervention of any act of man.
- ii. Article 617 - Easements are inseparable from the estate to which they actively or passively belong.
- iii. Article 618 - Easements are indivisible. If the servient estate is divided between two or more persons, the easement is not modified, and each of them must bear it on the part which corresponds to him.
- iv. Article 625 - Upon the establishment of an easement, all the rights necessary for its use are considered granted.
- v. Article 626 - The owner of the dominant estate cannot use the easement except for the benefit of the immovable originally contemplated. Neither can the owner exercise the easement in any other manner than that previously established.
- vi. Article 629 - The owner of the servient estate cannot impair, in any manner whatsoever, the use of the servitude.
- vii. Article 630 - The owner of the servient estate retains the ownership of the portion on which the easement is established and may use the same in such a manner as not to affect the exercise of the easement.
- viii. Article 631(5) - Easements are extinguished by the renunciation of the owner of the dominant estate.

b. Chapter 2 – Legal Easements, Sections 1 and 3

- i. Article 634 - Easements imposed by law have for their object either public use or the interest of private person.

- ii. Article 635 - All matters concerning easements established for public or communal use shall be governed by the special laws and regulations relating thereto.
- iii. Article 649 - Should the easement be established in such a manner that its use may be continuous for all the needs of the dominant estate, establishing a permanent passage, the indemnity shall consist of the value of the land occupied and the amount of the damage caused to the servient estate.
- iv. Article 654 - If the ROW is permanent, the necessary repairs shall be made by the owner of the dominant estate. A proportionate share of taxes shall be reimbursed by said owner to the proprietor of the servient estate.

5. Republic Act No. 9679 (Home Development Mutual Fund Law of 2009)

168. The HDMF is also known as Pag-IBIG (Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Gobyerno) Fund. The Pag-IBIG Fund is a mutual provident savings system, which is primarily intended for shelter financing among its members. Section 10 states that the Fund shall be private in character, owned wholly by the members, administered in trust, and applied exclusively for their benefit. Section 6 of the act provides that membership in the Fund shall be mandatory upon all employees covered by the SSS and the GSIS, and their respective employers. However, the coverage of employees whose monthly compensation is less than four thousand pesos (PhP4,000.00) is on a voluntary basis.
169. Section 13 (d) and (e) mandates Pag-IBIG Fund to invest not less than 70% of its investible funds to housing, and to acquire, utilize, or dispose of, in any manner recognized by law, real or personal properties to carry out the purpose of the Act, respectively.

6. Commonwealth Act No. 141 (Public Land Act of 1936)

170. Under Section 12 of C.A. 141, any citizen of the Philippines over the age of eighteen years, or the head of a family, who does not own more than 24 hectares (ha) of land in the Philippines or has not had the benefit of any gratuitous allotment of more than 24 ha of land since the occupation of the Philippines by the United States, may take possession of land upon the approval of the Director of Lands and payment of entry fee. The applicant is mandated to work for the homestead within six (6) months from the date of the approval of the application; otherwise, he/she shall lose his/her prior right to the land. Further, no certificate shall be given, or patent issued for the land applied for until at least one-fifth of the land has been improved and cultivated. Cultivation should be for a period of not less than one year from, or more than five years after the date of the approval of the application. To obtain a patent (title), the applicant must show proof that he/she has been residing continuously for at least one (1) year in the municipality in which the land is located, or in a municipality adjacent to the same, and has cultivated at least one-fifth of the

land continuously since the approval of the application and make affidavit that no part of the said land has been alienated or encumbered.

171. Section 112 prescribes those lands awarded by virtue of this Act shall further be subject to a ROW not exceeding 60 meters (m) in width for public highways, railroads, irrigation ditches, aqueducts, telegraph and telephone lines and similar works as the Government or any public or quasi-public service or enterprise, including mining or forest concessionaires, may reasonably require for carrying on their business, with damages for the improvements only.

172. P.D. 635 issued in 1975 amended Section 112 of C.A. 141 by increasing the width of the reserved strip of 20 to 60 m. Under Section 7 of the IRR for R.A. 10752, it states that if the government decides to exercise its right to use the ROW strip reserved for public use within the land acquired under C.A. No. 141, the owner is required to execute a quit claim. Only improvements will be compensated.

7. Republic Act No. 6685 (December 1988)

173. An Act Requiring Private Contractors to Whom National, Provincial, City and Municipal Public Works Projects have been Awarded under Contract to Hire at Least Fifty Percent of the unskilled and at Least Thirty Percent of the Skilled Labor Requirements to be Taken from the Available Bona Fide Residents in the Province, City or Municipality in which the Projects are to be Undertaken, and Penalizing those who Fail to do so

174. The Act requires private contractors to whom national, provincial, city, and municipal public works projects have been awarded under contract to hire at least 50% of the unskilled and at least 30% of the skilled labor requirements to be taken from available bona fide residents in the province, city or municipality concerned in which the projects are to be undertaken, penalizing those who fail to do so. Under Section 1 of R.A. 6685, national and local public works projects funded by either the national government or local government including foreign-assisted projects must hire at least 50% of the unskilled and 30% of the skilled labor requirements from bona fide and actual residents in the province, city and municipality concerned who are ready, willing, and able, as determined by the governor, city mayor, or municipal mayor concerned. In areas where the number of available resources is less than the required percentages provided in this act, the said requirements shall be based on the maximum number of locally available labor resources, which shall be certified by municipal, city, provincial, or district engineers in sufficient compliance with labor requirements under this Act.

8. Republic Act No. 9994 (Expanded Senior Citizen Act, February 2010)

175. The act grants additional benefits and privileges to senior citizens to maximize the contribution of senior citizens for nation-building and other purposes. Section 3 of R.A. 9994 defines senior citizens or the elderly as any resident citizen of the Philippines at least sixty (60) years old. Section 5 of the

same act provides the establishment of special housing units for the elderly under its national shelter program.

176. **Republic Act No. 9994 (Expanded Senior Citizen Act, February 2010).** The act grants additional benefits and privileges to senior citizens to maximize the contribution of senior citizens for nation-building and other purposes. Section 3 of R.A. 9994 defines senior citizens or the elderly as any resident citizen of the Philippines at least sixty (60) years old. Section 5 of the same act provides the establishment of special housing units for the elderly under its national shelter program.

9. Republic Act No. 7277 (Magna Carta for Disabled Persons, March 1992) as Amended by R.A. 9442

177. The Act as also known as the Magna Carta for Disabled Persons, grants the rights and privileges for persons with disability (PWDs) to ensure their rehabilitation, self-development, and self-reliance. Section 4 of the Act provides the following definitions:

- (i) PWDs are those suffering from the restriction of different abilities, as a result of a mental, physical, or sensory impairment, to perform an activity in the manner of within the range considered normal for a human being; and
- (ii) Marginalized persons with disability refer to PWDs who lack access to rehabilitative services and opportunities to be able to participate fully in socio-economic activities and who have no means of livelihood or whose incomes fall below the poverty threshold.

10. Batas Pambansa 220 (June 1982)

178. The act authorizes the Ministry of Human Settlements to establish and promulgate different levels of standards and technical requirements for economic and socialized housing projects in urban and rural areas.¹⁸ Section 1 of Batas Pambansa 220 declares a policy of the government to promote and encourage the development of economic and socialized housing projects for the average and low-income earners in urban and rural areas.

179. Section 2 of the act defines economic and socialized housing units as those which are within the affordable level of the average and low-income earners which is 30% of the gross family income as determined by the NEDA from time to time.

11. Presidential Decree No. 1096 (National Building Code of the Philippines, February 1977)

180. The decree revises R.A. 6541 to conform to development goals and infrastructure programs of the government and adequately provide for all

¹⁸ Functions of the Ministry of Human Settlements were transferred by virtue of E.O. 90 Series of 1986, creating the HUDCC and abolishing the Ministry of Human Settlements.

technological requirements of buildings and structures in terms of the up-to-date design and construction standards and criteria.

181. It states the policy of the state to safeguard life, health, property, and public welfare, consistent with the principles of sound environmental management and control. To this end, in addition, the Decree aims to provide for all buildings and structures, a framework of minimum standards and requirements to regulate and control their location, site, design, and quality of materials, construction, use, occupancy, and maintenance.

12. Republic Act No. 8424 (The National Internal Revenue Code of 1997)

182. Sets policies on tax treatment of real property transaction for purposes of facilitating their registration with the Register of Deeds and the Assessor's Office of local government units. Specifically, the Act describes the imposition of tax on capital gains presumed to have been realized from the sale, exchange or disposition of real property classified as capital asset. Similarly, if the asset is classified as ordinary asset, the income from such sale is subject to ordinary income tax.

C. Executive/Administrative/Department Orders

1. Executive Order No. 1035, Series of 1985

183. This E.O. 1035 provides the procedures and guidelines for expeditious acquisition by the government of private real properties or rights thereon for infrastructure and other government development projects. Financial assistance to displaced tenants/farmers, equivalent to the average annual gross harvest for the last three (3) years and not less than PhP 15,000 per ha. Provision of financial assistance for the portion subject to the reservation under Section 112 of C.A. 141 on land acquired under C.A. 141 (for original patent holders only). Under C.A. 141, the ROW strip not exceeding 20 m in width within the land acquired under the law, or 60 m (under P.D. 635) is reserved for public use. This shall be over and above compensation for affected portions of structures and improvements therein.

2. Executive Order No. 48, Series of 2001

184. This E.O. declares non-core properties of the Philippine National Railways (PNR) (i.e., those outside the boundaries of railroad tracks and not utilized for railroad purposes) as socialized housing sites and provides for the disposition of the same to bona fide occupants through the HUDCC/DHSUD.

3. Executive Order No. 708, Series of 2008

185. E.O. 708, Series of 2008 amended E.O. 152, Series of 2002 and devolved the function of the PCUP as the clearing house for the conduct of

demolition and eviction activities involving the homeless and underprivileged citizens to respective LGUs with territorial jurisdiction over the proposed demolition and eviction activities of government agencies.

186. In relation to this, the LGUs were also ordered to create the Local Housing Board (LHB) or any similar body through an appropriate ordinance before conducting the clearing house functions granted to them in the E.O. The Presidential Commission for the Urban Poor (PCUP) shall continue its monitoring and reporting functions including Sub-section 4-11 of Section 1 and Section 9 of E.O. 152 as follows:

- i. Investigate motu proprio or upon complaint by any party and any violation of the provisions of Section 28 of R.A. 7279 or its IRR;
- ii. File motu proprio or by way of assistance to any aggrieved party and the appropriate criminal, civil or administrative case against any person or persons found to have violated the provisions of Section 28 of R.A. 7279 or its IRR;
- iii. Recommend to the President appropriate measures for the implementation and enforcement of Section 28 of R.A. 7279 and its IRR including possible administrative sanctions against national or local government officials who have violated the said law, rules, and regulations;
- iv. Request any government agency for assistance and necessary information in the discharge of their respective functions under this Order;
- v. Publicize matters covered by its investigation of violations of the provisions of Section 28 of R.A. 7279 or its IRR, when circumstances so warrant and with due prudence: Provided, however, that PCUP shall, under the rules and regulations it shall hereafter promulgate and determine what cases may not be made public: Provided, further, that any publicity issued by PCUP shall be balanced, fair, and true;
- vi. Administer oaths, issue subpoena and subpoena duces tecum, and take the testimonies of witnesses in the course of its investigation;
- vii. Adopt its own operational guidelines and rules of procedures as well as rules and regulations not otherwise inconsistent with existing laws, rules, and regulations, to effectively carry out its mandate; and
- viii. Perform such other function as may hereafter be provided by law or executive issuance.

4. Executive Order No. 272, Series of 2004

187. E.O. 272 creates the SHFC and assigns the SHFC as the lead government agency for undertaking socialized housing programs that will cater to the formal and informal sectors in the low-income bracket and shall take charge of developing and administering social housing program schemes, particularly the CMP and the AKPF Program (i.e., the amortization support program and development financing program).

5. Executive Order No. 69, Series of 2012

188. The E.O. provides for the transfer of PCUP to the Office of the President to effectively coordinate, formulate, and evaluate policies and programs concerning the urban poor. The E.O. also provides the following functions and power to PCUP:
- i. Conduct of social preparation activities related to asset reforms, human development, and basic social services, employment and livelihood, and other programs of the government for the urban poor; and
 - ii. Representation in the HUDCC, key shelter agencies (KSAs), and the LHB.

6. DOTr Department Order No. 2013-05

189. The Department Order (D.O.) specifies the composition of the Technical Working Committee (TWC) for site acquisition/ROW for the department's infrastructure projects.

7. BIR Revenue Regulations 2-98

190. Prescribes the regulations to implement RA No. 8424 relative to the Withholding on Income subject to the Expanded Withholding Tax and Final Withholding Tax, Withholding of Income Tax on Compensation, Withholding of Creditable Value- Added Tax and Other Percentage Taxes.

D. Relevant Manuals, Policies and Memorandum Circulars

1. DOTr Right-of-Way and Site Acquisition Manual (ROWSAM)

191. The DOTr as the IA is mandated by R.A. 10752 through Section 18 of its IRR to produce an agency manual of procedures for ROW acquisition. As of March 2018, accordingly, the DOTr proclaimed D.O. 2018-005 stipulating that all implementing offices concerned shall be directed to adopt and use the DOTr's Right-of-Way and Site Acquisition Manual (ROWSAM).
192. ROWSAM was developed to provide clear and specific operational guidelines on ROW acquisition. It aims to guide the DOTr staff on legal processes and procedures necessary to acquire and clear private and public lands required for the construction and operation of public transport infrastructure regardless of funding sources. Further, it outlines the land acquisition requirements necessary for planning, developing, and implementing land acquisition necessary for the development, construction, and operation of transportation projects.
193. The ROWSAM also mentions about the importance of due diligence and the DOTr's core values that must be applied in every step of the ROW acquisition process as below.

- i. We value integrity and honesty. We practice what we say, formulate policies, programs and projects and properly use resources attuned with the DOTr Mission and Vision.
- ii. We are competent. We constantly search for and apply new ideas, technologies, and practice to improve the delivery of services to our stakeholders.
- iii. We do right things at the right time with the right attitude and behavior. We provide our stakeholders and the general public access to relevant information.
- iv. We value and treat our stakeholders with the utmost respect and care.
- v. We, the members of the DOTr family, work as a team to attain common goals and objectives.
- vi. We commit everything to God for the continuous advancement of this Department and the nation as a whole.

2. DPWH Right-of-Way Acquisition Manual (DRAM)

194. For this project, the DOTr is adopting the Department of Public Works and Highways Right-of-Way Acquisition Manual (DRAM) as a general guide in the implementation of the improved ROW process. Differences between the DRAM procedures and requirements specific for this project are set out in the gap matrix in this chapter, in the entitlement matrix and implementation arrangements described elsewhere in the RAP. The DRAM was developed in compliance with Section 18 of the IRR, of R.A. 10752, which prescribes that, to provide clear, specific, and operational guidelines for the efficient acquisition of ROW for its infrastructure projects, each implementing agency (IA) shall prepare and implement its own “Manual of Procedures for ROW Acquisition.” The DRAM covers the entire ROW acquisition process including the following:

- i. Project feasibility study with environmental impact assessment;
- ii. Preparation of preliminary ROW action plan with property appraisal;
- iii. Provision of appropriations in the General Appropriations Act (GAA);
- iv. Detailed design (DD) including parcellary surveys and preparation of the final RAP;
- v. RAP validation;
- vi. Actual ROW acquisition through donation, negotiation, expropriation, and other modes;
- vii. Payments to property owners;
- viii. Transfer of title to the Republic of the Philippines;
- ix. Clearance of the ROW, and
- x. Management of the ROW.

195. The DRAM is also intended to be a reference for property owners and other affected persons (APs) on the requirements and procedures to be followed to facilitate the ROW acquisition, while ensuring that they obtain due

process and fair compensation. It will also guide other concerned government entities including the Office of the Solicitor General (OSG), the Bureau of Internal Revenue (BIR), the housing agencies, the DENR, LGUs, and the courts, among others as well as official development assistance (ODA) agencies, on the ROW aspects that entail their active participation. Finally, it shall also serve as guide for government financing institution (GFIs) and independent property appraisers (IPAs) in determining the appropriate price offers to property owners affected by the ROW acquisition.

196. The DRAM consists of the main volume and the appendix volume. In the main volume, the manual presents and discusses the workflow chart, objective, lead persons, support entities, overview, and procedures. The appendix volume provides the pertinent laws, rules, regulations, department orders, template forms, agreements, and reports.

3. Land Acquisition, Resettlement, Rehabilitation, and Indigenous Peoples' Policy, 2007

197. Prior to the DRAM, the policy and guidelines of the Department of Public Works and Highways (DPWH) on resettlement were expressed in the Infrastructure ROW (IROW) Procedural Manual (April 2003) and the Land Acquisition, Resettlement, Rehabilitation, and Indigenous People's Policy (LARRIPP) (3rd edition in April 2007).

198. The LARRIPP indicates that social impacts of infrastructure projects should be avoided, minimized and/or mitigated. APs should be provided with sufficient compensation in order to ensure that their standard of living prior to the project should be maintained or improved. Project stakeholders should also be consulted regarding the project's design, implementation, and operation.

4. HLURB Memorandum Circular No. 13, Series of 2017

199. The HLURB's Memorandum Circular (M.C.) sets the price ceiling for an economic housing at above PhP450,000 to PhP1,700,000, while a medium-cost housing is above PhP1,700,000 to PhP4,000,000.

5. Taguig City Zoning Ordinance

200. Based on the Zoning Map of Taguig City which was approved by the Housing and Land Use Regulatory Board (HLURB) on 20 August 2003, the area where the tunnel section is situated is zoned as Low-Density Residential Development Zone. This zone covers the areas of the following: AFPOVAI housing areas in Western Bicutan, Bay Breeze and Holy Family Subdivision. Further, this zone is intended for low-density residential developments with supporting community facilities and amenities. According to the intent of the Zoning Ordinance on low-density development, the Land Use Intensity Controls (LUIC) stipulates that low-density development allows the following:

Percentage of Land Occupation is 70, the Floor Area Ratio is 2.0, Building Height Limit is 3-floors.

6. Pasay City Zoning Ordinance

201. The Zoning Map of Pasay City series of 2016 reflected a golf course on the surface level where the tunnel section is situated. Such type of development is under the zone of parks & open spaces. This means that the use of surface land will remain as is.

E. JICA Policies on Involuntary Resettlement

202. **Section 2.6 of JICA Guidelines (2010)** states that “projects must comply with the laws, ordinances, and standards related to environmental and social considerations established by the governments that have jurisdiction over project sites (including both national and local governments). They must also conform to the environmental and social consideration policies and plans of the governments that have such jurisdiction”.
203. The key principles of JICA policy on involuntary resettlement described in the guidelines is summarized below:
204. Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives.
205. When population displacement is unavoidable, effective measures to minimize the impact and to compensate for losses should be taken.
206. People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities and production levels to pre-project levels.
207. Compensation must be based on the full replacement cost.
- (i) Compensation and other kinds of assistance must be provided prior to displacement.
 - (ii) For projects that entail large-scale involuntary resettlement, RAPs must be prepared and made available to the public.
 - (iii) In preparing a RAP, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance. When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people.
 - (iv) Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of RAPs.
 - (v) Appropriate and accessible grievance mechanisms must be established for the affected people and their communities.

- (vi) Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socio-economic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers and others who wish to take advance of such benefits. Eligibility of benefits include:
 - 1. APs who have formal legal rights to land (including customary and traditional land rights recognized under law);
 - 2. APs who do not have formal legal rights to land at the time of census but have a claim to such land or assets; and
 - 3. APs who have no recognizable legal right to the land they are occupying.
- 208. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.
 - (i) Provide support for the transition period (between displacement and livelihood restoration).
 - (ii) Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities, etc.
 - (iii) For projects that entail land acquisition or involuntary resettlement of fewer than 200 people, abbreviated resettlement plan is to be prepared.

F. ADB Policy on Involuntary Resettlement and Indigenous Peoples

- 209. The objectives of ADB's SPS (2009) are to (i) avoid involuntary resettlement whenever possible to minimize involuntary resettlement by exploring project and design alternatives; (ii) enhance, or at least restore, the livelihoods of all displaced and vulnerable persons in real terms relative to pre-project levels; (iii) and improve the standards of living of the displaced poor and other vulnerable groups. The involuntary resettlement safeguard covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary land acquisition or (ii) involuntary restrictions on land use or access to legally designated parks and protected areas. The SPS (2009) covers physical and economic displacement regardless of whether such losses and involuntary restrictions are full or partial and permanent or temporary. ADB-supported projects are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housings, or (ii) losing 10% or more of their productive assets (income generating). The level of details and comprehensiveness of a resettlement plan is commensurate with the significance of potential impacts and risks.
- 210. **Involuntary Resettlement.** ADB's policy on involuntary resettlement in the SPS (2009) is briefly described below:
 - (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.

- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and IPs, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a RAP elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

- (ix) Disclose a draft RAP, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.
- (xiii) An important aspect of ADB's involuntary resettlement safeguard requirement is compensation at replacement cost comprising the following elements: (i) fair current market value at the time of compensation, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable payments, if any. In the calculation, structures are required to be compensated at replacement costs without depreciation of structures. Qualified and experienced experts shall undertake the valuation of acquired assets.
- (xiv) Persons or households without formal legal rights nor recognized or recognizable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to a declared cut-off date.
- (xv) Other ADB policies relevant to resettlement action planning and implementation include the Policy on Gender and Development that adopts gender mainstreaming as a key strategy for promoting gender equity and ensuring participation of women and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation, and monitoring of the project.
- (xvi) The ADB Public Communications Policy seeks to encourage the participation and understanding of people and other stakeholders affected by ADB-assisted activities. Information dissemination on ADB-funded projects should start early in the project preparation phase and continue throughout all stages of project development, in order to facilitate dialogue with affected persons and other stakeholders.

- (xvii) ADB's indigenous people's safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IPs or affects the territories or natural or cultural resources that IPs own, use, occupy, or claim as their ancestral domain. If ancestral domain land were to be required for the rail ROW for the project, appropriate IP safeguard instrument will be prepared.

211. **Other policies.** Other ADB policies relevant to resettlement action planning and implementation include the Policy on Gender and Development that adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring participation of women and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project. ADB's indigenous people's safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories or natural or cultural resources that indigenous people own, use, occupy, or claim as their ancestral domain. However, for this project, it has been assessed that no ancestral domain land is to be affected, nor are there any indigenous peoples affected by the project. The ADB Public Communications Policy seeks to encourage the participation and understanding of people and other stakeholders affected by ADB-assisted activities. Information dissemination on ADB-funded projects should start early in the project preparation phase and continue throughout all stages of project development, in order to facilitate dialogue with affected persons and other stakeholders.

G. Resettlement Policy Comparison

212. Below is a table comparing Philippine's legal framework with JICA Guidelines (2010) and ADB's SPS (2009) on involuntary resettlement. Some policy gaps, and gap-filling measures have been identified and are presented in Table IV-2.

Table IV-2: Gap Analysis and Harmonized Involuntary Resettlement Policy

No.	Issue	ADB/JICA	Laws of the Philippines	Gap	Gap Filling Measure
1	Payment of CGT on land acquired through expropriation	<p>The rate of compensation for acquired housing, land, and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued; (iv) transitional and restoration costs; and (v) other applicable payments, if any.</p>	<p>R.A. 10752 requires for a property owner to pay the CGT in expropriation proceedings in order to incentivize and promote negotiated sale.</p> <p>Under negotiated sale, the IA shall pay for the account of the seller, CGT as well as DST, transfer tax, and registration fees. The property owner will pay any unpaid real property tax.</p> <p>Under expropriation proceedings, the IA shall pay DST, transfer tax, and registration fees, while the owner will pay CGT and any unpaid RPT.</p>	<p>Payment of CGT by APs if land is expropriated is inconsistent with the principle of replacement cost.</p>	<p>Payment of CGT will be paid by the IA after the ruling by the court in expropriation cases when a AP is unable to accept the negotiated sale as they lack the paperwork and are required to undergo the Extra Judicial Settlement (EJS) before being recognized as a property owner (for example, in deceased estates that have not been settled).</p> <p>Prompt and complete disclosure of advantages of negotiated sale over expropriation proceedings (as provided for by R.A. 10752) will be made during the conduct of the 2nd Stakeholder Consultation Meeting (SCM) to wit:</p> <p><u>Advantages of Negotiated Sale:</u></p> <p>(i) Outright offer for land price will be based on fair market value.</p> <p>(ii) Payment of CGT will be shouldered by the IA, the DOTr.</p> <p>(iii) It has a shorter process (2-6 months if all required documents are complete).</p> <p><u>Disadvantages of Expropriation Proceeding:</u></p> <p>(i) Initial payment for land will be based on the BIR zonal value, and an owner will have to present documentary evidence during court hearings to prove that the value should be higher.</p> <p>(ii) The government can take possession of the property even prior to court hearings</p> <p>(iii) The owner needs to hire a lawyer.</p> <p>(iv) The owner/AP will pay CGT.</p> <p>(v) It has a longer process. It may take a year to several years before the decision of the court for payment of just compensation in favor of the owner becomes final and executory, accordingly ordering the DOTr to pay the owner the difference.</p> <p>The AP may still revert from expropriation to negotiated sale at any point in time before the</p>

					<p>last day of filing for motion of the expropriation case.</p> <p>In case the expropriation case has been filed in the court:</p> <p>The plaintiff, the DOTr, can withdraw the case any time before the filing of the answer by the defendant, the AP (Section 1(h) Rule 16 of the 1997 Rules of Court on Civil Procedures).</p> <p>If the answer is filed, there has to be a joint filing by the DOTr and the owner to withdraw the case (Section 2, Rule 17 of the 1997 Rules of Court on Civil Procedures).</p> <p>In both cases, the acquisition mode would revert back to negotiated sale, which will entitle the owner to payment at the current market value for land (as indicated in the DOTr's Offer to Buy (OTB)), free of taxes, including CGT, and registration fees in accordance with Section 5(c) R.A. 10752, at the replacement cost for structures and improvements, and at the market value for crops and trees under Section 5(a) R.A. 10752.</p> <p>If compensation is less than replacement cost, the DOTr will apply a mitigation measure to reach replacement cost.</p> <p>Other applicable allowances including livelihood rehabilitation and transitional assistance allowances apply as per cases not subject to expropriation.</p>
2	Scope of application of the RAP	The scope covers direct impacts of land acquisition and restricted land use for the project, including any land acquired for development of resettlement sites and ROW adjustments specifically for the project.	<p>Unless the RAP specifies otherwise, government policies and standards only would be applied.</p> <p>For involuntary resettlement impacts from land acquired for resettlement sites, R.A. 7279 states that the land for socialized housing can be expropriated but should be resorted only when other options have been exhausted.</p>	Potential gaps with respect to the application of policies and entitlements under the RAP to those who are affected by land acquisition in developing resettlement sites for the project.	Any land acquired for project requirements including ROW and resettlement site development specifically for the needs of the project will be included in the scope of the RAP. The DOTr will oblige any agency responsible for land acquisition for project needs, including ROW adjustments, resettlement sites, utilities relocation, and access roads, to apply the same standards and entitlements as set out in the RAP policy.

3	Timing of payment of compensation and assistance prior to displacement	All compensation and assistance should be provided prior to displacement.	<p>Under R.A. 10752, in the mode of negotiated sale, APs will be paid in two installments for their affected properties. The balance in compensation for the land will only be paid after the Deed of Sale has been completed. The balance of payment for improvements will be paid to APs only after the acquired lands have been cleared of all improvements (i.e., structures, trees, and crops).</p> <p>In the mode of expropriation, initial compensation at an amount computed at 100% of lot price based on the latest BIR zonal value for land, the replacement cost for structures and improvements, and the market value for crops and trees in the form of a check will be deposited to the court in favor of the owner upon filing of an expropriation case by the DOTr. The court will immediately issue an order to take possession of the property and start implementation of the project (Section 6(a) R.A. 10752). While the court adjudicates the compensation to be paid, APs may, at any time request the court to release such deposit upon presentation of proof of ownership (Section 6(a) R.A. 10752).</p>	There are gaps on the timing for payment and for expropriation cases the need to provide proof of ownership to the court prior to payment.	<p>APs will not be displaced until they are paid in full compensation and applicable allowances.</p> <p>For negotiated sale, the following arrangements will be applied: For structures: The DOTr will pay 100% prior to being displaced. Payment of compensation for structures and improvements may be held in abeyance for participants of socialized housing programs or used as an advance payment on their amortizations at APs' request until relocation sites and socialized housing accommodations become available.</p> <p>For land: For full/severe impacts, the 1st installment of 50% will be made by the DOTr, and the remaining 50% will be paid to APs when land is officially transferred. On the other hand, for partial/marginal land taking, the remaining 50% will be paid to APs upon annotation of the Title on Sale on the portion of land. However, no displacement nor civil works will commence until such transfer is effective and the balance is paid.</p> <p>In negotiated cases where APs are willing to sell their property but will take more than 30 days to submit required documents, the DOTr will provide necessary assistance to the extent possible to help APs secure the paperwork.</p> <p>In cases wherein APs need to undergo the EJS process for the paperwork, the DOTr will assist them through the Help Desk, so that they can complete title segregation prior to the issuance of the OTB and thus can be eligible for negotiated sale.¹⁹</p> <p>In cases wherein after due diligence DOTr finds</p>
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¹⁹ In cases when an original owner whose name is on the title has already died and did not leave any last testament as to who will inherit his/her property, his/her heirs have to undergo the EJS process, so that the original title can be subdivided among them. Otherwise, the agency tasked to acquire ROW cannot compensate them. Further, the completion of title segregation prior to the issuance of the OTB can be achieved through the early issuance of the Notice of Taking (NoT) to property owners.

					the EJSE to be incurable, expropriation case will be filed while the EJS is still being processed. The APs can, at any time, request the court to release the initial payment deposited to the Court upon submittal of proof of ownership. The AP will have the choice of accepting the check for BIR Zonal value for the land and replacement value for structures and improvements, and market value for crops and trees and await the court's findings, or once the EJS is completed, a joint motion in the court for a compromised judgement can be filed and the acquisition goes back to negotiated sale. In such cases, the DOTr will pay to the APs the difference between the initial payment released by the court and the market value indicated in the OTB.
4	Severity of impacts on productive resources for which rehabilitation assistance is required.	The loss of 10% or more of productive or income sources (e.g., farmland and business/shop) is entitled to livelihood restoration assistance.	There is no specific reference to the severity of impacts. The related reference includes: For agricultural tenants and sharecroppers: Financial assistance equivalent to the average gross harvest for the last three (3) years and no less than PhP 15,000 per ha (E.O. 1035). For agricultural lessees: They are entitled to disturbance compensation equivalent to five times the average gross harvests on their landholding during the last five preceding calendar years (R.A. 6389).	Gaps with respect to the threshold and requirements for livelihood restoration assistance for all cases experiencing the loss of productive resources.	Participation in the project's livelihood restoration and improvement program (LRIP) will be provided for those whose productive resources are permanently affected by 10% or more.
5	Severity of the loss of a property for which the entire property will be acquired	If the residual portion of a property after acquisition is 20% or less or if the residual portion is no longer viable for use according to the original	No specific law prescribes acquisition of the remaining unviable portion of the acquired property. ²¹ However, in terms of jurisprudence, Supreme Court	No current Government policy on this issue.	If the residual portion of a property after acquisition is 20% or less or if the residual portion is no longer viable for use according to original purpose, the entire property will be acquired taking also the wishes of the AP into

²¹ The LARRIPP by the DPWH (3rd Ed. Series of 2007) provides that if the portion of the property to be affected is more than 20% of the total land area or even less than 20% if the remaining portion is no longer economically viable or if it no longer functions as intended, the owner of this property (e.g., land or structures) shall be entitled to full compensation in accordance with R.A. 8974. The DPWH policy is dated, being based on R.A. 8974, which has been superseded by R.A. 10752.

		purpose, the entire property will be acquired. ²⁰	decision embodied in GR 1600080 dated 19 June 2009 caused payment of a "dangling portion" of a lot which cannot be used for any productive purposes and at the same time cease to have commercial value to the owner.		consideration.
6	Income restoration and livelihood improvement	The borrower/client will include detailed measures for income restoration and livelihood improvement of displaced persons in the resettlement plan. Income sources and livelihoods affected by project activities will be restored to pre-project levels, and the borrower/client will make every attempt to improve the income of displaced persons, so that they can benefit from the project. For vulnerable persons and households affected, the resettlement plan will include measures to provide extra assistance, so that they can improve their incomes in comparison with the pre-project levels. The resettlement plan will specify the income and livelihoods restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	There are requirements for supplementary assistance or training to certain categories of APs. However, the requirements do not have specific objectives to restore income-earning capacity and are limited in scope and application. Nonetheless, the IRR of R.A. 10752 states that government appropriations should be available to cover the cost of the development and implementation of resettlement projects and may include livelihood restoration and improvement activities.	ADB/JICA guidelines are more specific regarding objectives of restoring income-earning capacity and include those whose income generation resources are severely affected.	Income restoration and livelihood improvement measures need to be designed in consultation with APs and be adequately resourced to restore income-earning capacity of all APs whose livelihoods are affected and improve income-earning capacity of vulnerable APs. The effectiveness of income restoration and livelihood improvement activities will be monitored and reviewed.

²⁰ Based on the World Bank Involuntary Resettlement Sourcebook, which JICA applies in its policy, provides that if more than 80% of holdings is acquired or if residual holdings are no longer economically viable, the owner shall have an option to sell the residual land.

7	<p>Transitional assistance and compensation for lost income</p>	<p>In the case of physically displaced persons, (i) transitional support and development assistance such as land development, credit facilities, training, or employment opportunities and (ii) opportunities to derive appropriate development benefits from the project will be provided.</p> <p>In cases where land acquisition affects commercial structures, affected business owners are entitled to (i) the costs of re-establishing commercial activities elsewhere; (ii) the net income lost during the transition period; and (iii) the costs of transferring and reinstalling plant, machinery, or other equipment.</p>	<p>Section 10(c) of R.A. 10752 provides that the cost of the development and implementation of resettlement projects covered by the Act, including planning, social preparation, and other activities under a RAP shall be provided with adequate appropriations to cover the funds needed for such.</p> <p>Section 15 of the IRR of R.A. 10752 further states that, when necessary, the development cost described above may include land development and housing construction, the provision of basic services and community facilities, livelihood restoration and improvement, and other activities under the RAP in coordination with concerned government agencies.</p> <p>E.O. 1035 provides for financial assistance to displaced tenants and cultural minorities and settlers equivalent to the average annual gross harvest for the last three (3) years and no less than PhP15,000 per hectare.</p> <p>Section 7 of R.A. 6389 provides for disturbance compensation for agricultural lessee's equivalent to five (5) times the average gross harvest in the last five (5) years.</p> <p>For APs whose structures are severely affected and whose</p>	<p>Although there is no specific law and guideline which mentions assistance during the transition period, the relevant entitlements may be lumped under the clauses pertaining to "livelihood restoration and improvement and other activities under the RAP" as stipulated by R.A. 10752 law and its IRR.</p> <p>In the relevant Philippine laws, there is no provision for compensation for income loss for medium- to large-sized businesses.</p>	<p>Transitional support during the period when APs resettle and re-establish their livelihoods will be provided aimed at stabilizing their living standards.</p> <p>The entitlement matrix outlines the specifics of the support provided for transitional assistance entitlements covering compensation for lost income and assistance to re-establish livelihoods and businesses.</p>
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			business/income are affected, the DPWH's LARRIPP (2007) provides for rehabilitation assistance with an amount of no more than PhP15,000 (based on the tax record for the business activities).		
8	Disclosure of the RAP	ADB/JICA policy is to make the RAP accessible to the public through its website before reaching a loan agreement.	The NEDA's ICC does not require the RAP to be made available to the public.	There is a gap on accessibility of the RAP to stakeholders.	The RAP will be prepared and accessible to the public through the JICA, ADB, and DOTr websites. Salient information from the RAP will be disclosed to APs prior to and following finalization during SCMs.
9	GRM	Appropriate and accessible grievance mechanisms must be established for the affected people and their communities.	There is no specific law that stipulates GRMs within land acquisition laws in the Philippines.	There is no specific law that stipulates GRMs for land acquisition in the Philippines. ²²	An effective and accessible GRM will be established for the project to resolve disputes outside the judicial system. Prior to the start of ROW acquisition, the DOTr will establish the Help Desk at each city/municipality to address the concerns of APs pertaining to the RAP and ROW acquisition. ²³ Each Help Desk must be established before the delivery of the NoT to APs by the DOTr. A database of APs' concerns, actions taken, referrals made, and the resolution status of the said concerns will be developed and maintained by the DOTr. Once the ROW acquisition commences, the GRM is triggered and the Help Desk, in coordination with the RIMC and LIAC will serve as a recipient and database manager of grievances filed.
10	Census, inventory of losses, and the establishment of cut-off dates for eligibility to entitlements	Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census, asset inventory, and	There is a requirement under R.A. 7279 and its IRR for LGUs to conduct inventory of their informal settler families (ISFs). The conduct of surveys and tagging is established practices by the Urban Poor Affairs Office	No specific requirement for the cut-off date in law.	A census and socio-economic survey are conducted for the affected areas to prepare the RAP. For informal settlers, the cut-off date is set on the beginning date of the census and tagging. The cut-off date is publicly disclosed during the 1st stakeholder consultation meeting in the

²² In terms of guidelines, Section 3.4 Tracking and Monitoring Implementation of Grievance procedures of the DPWH's Land Acquisition Plan and Resettlement Action Plan (LAPRAP) Tracking Manual of 2003 was previously used as a reference.

²³ The onset is marked by the delivery of the NoT by the DOTr.

		socio-economic survey). The borrower/client will establish a cut-off date for eligibility. Information regarding the cut-off date will be documented and disseminated throughout the project area.	(UPAO) or similar LGU office. Section 4 of the IRR for the registration of socialized housing beneficiaries' states that the city/municipal government shall be primarily responsible for carrying out the registration of underprivileged and homeless families within their respective jurisdictions. DPWH LARRIPP of 2007 however specifies the provision of cut-off date (first day of census and tagging) for persons in the ROW to be eligible for assistance to prevent new occupants/encroachers from taking advantage of resettlement assistance.		project affected areas. Date of the NoT issuance will be the cut-off date for legal property owners.
11	External monitoring	For projects with significant involuntary resettlement impacts, the borrower/client will retain qualified and experienced experts to conduct external monitoring.	Not required DPWH LARRIPP of 2007 stipulates the need for an external monitoring agent for its projects.	There is a gap on the requirement for external monitoring of projects with significant impacts.	The IA will engage qualified experts to conduct external monitoring of the implementation of the RAP.
12	Voluntary land donation	Voluntary donation will be an act of informed consent, and APs/IPs will not be forced to donate land or other assets with coercion or under duress.	Voluntary land donations are permitted.	There are differences in the implementation and conditions for voluntary donations.	Voluntary land donation is not an option for this project, except for government-to-government negotiated donation. Voluntary donation will be an act of informed consent, and APs/IPs will not be forced to donate land or other assets with coercion or under duress. Any voluntary donation as requested by APs will follow international best practices and be confirmed through written records and verified by an independent third party.

H. Fundamental Project Policy

213. The Government of the Philippines has adopted a project resettlement policy for the project as described in this RAP that is consistent with the resettlement and indigenous peoples planning framework for this project, national laws and regulations and international standards of JICA and ADB on involuntary resettlement and fill in policy gaps identified in this chapter. This is to ensure that APs are able to rehabilitate themselves to at least their pre-project condition, at the earliest possible time. The project's policy will follow the provisions and entitlements laid out in this RAP. The following principles will govern project implementation:

- (i) Land acquisition and involuntary resettlement will be avoided where feasible or minimized, by identifying possible alternative project designs that have the least adverse impact on the communities in the project area.
- (ii) Where displacement of households is unavoidable, all eligible APs losing assets, livelihood, or resources will be fully compensated and assisted so that they can improve, or at least restore, their pre-project standards of living.
- (iii) Where displacement of business enterprises is unavoidable, all APs losing livelihoods will be fully assisted so that they can improve, or at least restore, their former economic conditions.
- (iv) Rehabilitation assistance will be provided to any APs, that is, any person or household or business which on account of land acquisition for the project would have their:
 - Standard of living adversely affected;
 - Right, title or interest in any structure, interest in, right to use, any land (including premises, agricultural and grazing land, commercial properties, tenancy, or right in annual or perennial crops and trees or any other fixed or moveable assets, acquired or possessed, temporarily or permanently);
 - Income earning opportunities, business, occupation, work or place of residence or habitat adversely affected temporarily or permanently; and
 - Social and cultural activities and relationships affected or any other losses that may be identified during the process of resettlement planning.
- (v) All affected people will be eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing and any such factors that may discriminate against achievement of the objectives outlined above. Lack of legal rights to the assets lost or adversely affected, nor tenure status and social or economic status, will not bar the APs from entitlements to such compensation and rehabilitation measures or resettlement objectives, unless proven disqualified under Philippine law, JICA Guidelines (2010) and ADB's SPS (2009).
- (vi) All APs residing, working, doing business and/or cultivating land within the project impacted areas as of the cut-off date will be entitled to compensation for their lost assets at replacement cost as well as

restoration of incomes and businesses, and will be provided with rehabilitation measures sufficient to assist them to improve or at least restore/maintain their pre-project living standards, income-earning capacity, and production levels.

- (vii) APs partially affected by land acquisition will not be left with residual portions that would not be viable for continued use for the original purpose. APs whose land is partially acquired will have the option for the entire lot to be acquired if the residual portion is not viable. For partially affected structures, if the remaining portion is not viable for continued use, the entire structure will be compensated. Assessment of technical viability is undertaken by civil engineers and duly checked by licensed IPAs as part of the replacement cost survey. The technical assessment is done at two levels. One is through actual field inspection and measurements. The other is through the preparation of Basic Plans which confirms if major structures such as columns would be affected. APs are informed by the DOTr during the RAP implementation/ROW acquisition (after the issuance of the notice of taking (NoT) and the offer to buy (OTB) and during discussion and execution of an agreement to demolish and remove improvements (ADRI)).
- (viii) People temporarily affected will be considered APs. Prior to construction commencement, contractors will secure a necessary environmental compliance certificate (ECC) for temporary facilities such as workers camps, construction yards, and warehouses for materials, stockpiling areas from the appropriate offices of the DENR-Environmental Management Bureau (EMB) where they are located. Where these facilities are located in public or private lands, the Contractor will enter into Lease Agreements and should there be a need for temporary displacement or compensation for affected structures and improvements, the Contractor will comply with the provisions of R.A. 10752, the environment management plan (EMP) and this RAP.
- (ix) Where a host community is affected by the development of a resettlement site in that community, the host community will be consulted on resettlement planning and decision-making. All attempts will be made to minimize the adverse impacts of resettlement upon host communities.
- (x) The plans for resettlement and relocations will be designed in accordance with the Project Policy.
- (xi) Any project related activities that trigger involuntary resettlement such as land acquisition or land clearance or that displaces people using the land then such impacts will be considered as impacts under the scope of this RAP. In such cases the same entitlements as in this RAP will be applied to those affected. Application of this requirement will be monitored under this RAP monitoring arrangements.
- (xii) The RAP as approved by JICA and ADB will be disclosed by DOTr to the public through the following means: posting of approved RAP on JICA, ADB and DOTr websites and distribution to concerned LGUs. Implementation of the RAP will be guided by DRAM, however, only where the manual applies to the policies stated in this document. The DOTr's ROWSAM will not be used in this project.

- (xiii) Subsurface area will be compensated for the loss of its beneficial use, while subsurface non-land assets will be compensated based on the principle of full replacement cost²⁴.
- (xiv) Payment for land and/or non-land assets will be based on the principle of full replacement cost.²⁵
- (xv) Compensation for APs dependent on agricultural activities will be land-based wherever possible. Land-based strategies may include provision of replacement land, ensuring greater security of tenure, and upgrading livelihoods of people without legal titles. If replacement land is not available, other strategies may be built around opportunities for re-training, skills development, wage employment, or self-employment, including access to credit. Cash compensation alone will be avoided as an option, if possible, as this may not address losses that are not easily quantified, such as access to services and traditional rights, and may eventually lead to those populations being worse off than without the project.
- (xvi) Transitional assistance will be provided, in addition to compensation to assist APs to restore livelihood and standards of living. Such support could take the form of short-term jobs, subsistence support, and transitional allowance.
- (xvii) The resettlement plan must consider the needs of those most vulnerable to the adverse impacts of resettlement (including the poor, those without legal title to land, ethnic minorities, women, children, elderly, and disabled) and ensure they are considered in resettlement planning and mitigation measures identified. Assistance should be provided to help them improve their socio-economic status.
- (xviii) APs will be involved in the process of developing and implementing resettlement plans.
- (xix) APs and their communities will be consulted about the project, the rights, and options available to them, and proposed mitigation measures for adverse effects, and to the extent possible be involved in the decision-making concerning their resettlement.
- (xx) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition (including compensation, other entitlements, and income restoration measures) within the agreed implementation period. The funds for all resettlement activities will come from the Philippine government.
- (xxi) Displacement must not take place before provision of compensation and other assistance required for relocation. Sufficient social infrastructure and basic services must be provided in the resettlement site prior to relocation. Livelihood restoration measures must also be in place but not necessarily completed prior to construction activities, as these may be ongoing activities.
- (xxii) Arrangements required for the implementation of the RAP will be in place prior to the commencement of implementation of RAP; this will include the provision of adequate human resources for supervision, consultation, and monitoring of land acquisition and rehabilitation activities.

²⁴ The cost of replacing lost assets and incomes, including cost of transactions.

²⁵ The cost of replacing lost assets and incomes, including cost of transactions.

- (xxiii) Appropriate reporting (including auditing and redress functions) monitoring and evaluation mechanism will be in place as part of the resettlement management system. An external monitoring agent or group will be hired by the project and will evaluate the resettlement process and final outcome. Such groups may include qualified resettlement experts, non-government organizations (NGOs), research institutions or universities.

I. Cut-Off Date

214. The cut-off date pertains to the date from which APs are considered eligible for compensation and other forms of assistance. The cut-off date for Landowner APs is the date of receipt of the issuance of the Notice of Taking (NoT) by the DOTr in accordance with the relevant laws. In the event that non-landowners will be affected, the cut-off date will be the date of the conduct of the socio-economic survey done after the SCM that was conducted for this project.

J. Principle of Replacement Cost

215. All eligible structures/improvements owned by project-affected households/businesses will be compensated based on the principle of replacement cost. Replacement cost is the amount calculated before displacement which is needed to reconstruct the affected asset without depreciation and without deduction for taxes and/or costs of transaction.
216. The Replacement Cost Study (RCS) to determine compensation rates will be conducted by a licensed Independent Property Appraiser (IPA) or a Government Financial Institution (GFI) with adequate experience in property appraisal selected by the IA through a competitive process. The IA will use the RCS of the IPA and/or GFI as basis of the IA's price offer during negotiated sales.
217. The RCS/IPA is to be consistent with the following standards of assessment. (Please see Appendix 2 Vol. 2 Summary of the Replacement Cost Study). Only subterranean land acquisition will be compensated under this RAP. Discussions for structures payment are for reference only.
- (i) The classification and use for which the property is suited based on, among other things, the latest approved land use plan and/or zoning ordinance, if any, of the city or municipality concerned as well as the price of the land as manifested in ocular findings, oral as well as documentary evidence presented taking the following into consideration:
- Location of the property with reference to quality of neighborhood and surrounding improvements, access to community centers, shopping and transportation, and presence of detrimental influences to value;
 - Size, the lot area in relation to the highest and best use, present use, and utilization of the property;
 - Physical characteristics such as shape, topography, utilities, easements, road frontage, etc.; and

- The current selling price of similar lands in the vicinity based on, among other things, the latest records on Deeds of Sale for similar lands in the office of the Register of Deeds concerned as well as review of existing listing of properties and comparison against actual sales prices of properties with similar characteristics.
 - (ii) The development cost for improving the land based on, among other things, the records and estimates of the city or municipal assessor concerned, GFI or IPA for similar or comparable lands;
 - (iii) Replacement cost value for structures and improvements on the land;
 - (iv) Such facts and events so as to enable the affected property owners to have sufficient funds to acquire similarly situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.
218. The valuation methodology for the project used for structures is the Cost Approach of the International Valuation Standards 2017 (IVS 2017), “the cost approach provides an indication of value using the economic principle that a buyer will pay no more for an asset than the cost to obtain an asset of equal utility.” The international standard requires that all cost that will be incurred should be considered. The project included the following cost in the valuation of structures.
- a. **Direct Cost.** It refers to cost of materials and labor;
 - b. **Indirect Cost.** It refers to professional fees (i.e., design, permit, architectural, legal, etc.), overheads, taxes, finance costs, profit margin or entrepreneurial profit to the creator of the asset.
219. In determining the replacement cost of structures, depreciation was not factored in the computation. The RCS is part of the terms of reference (TOR) of the IPA and it includes the project Entitlement Matrix as basis for valuation. The work requirements of the IPA to prepare the RCS as to be reflected in their TOR include the following elements:
220. **Scope of the RCS.** The scope is to verify and determine the current market values for structures, improvements, and other physical properties or non-land-based incomes. For other improvements such crops and trees, value assessment shall be determined using the DENR’s applicable guidelines. Such market values shall serve as basis for calculating compensation and entitlements for APs, families, structures, and properties to ensure that APs are compensated at replacement cost at the time of compensation.
221. **Methodology.** The RCS was carried out based on information collected from both desk research, interviews in the field including with affected people, realtors, developers, banks, building contractors, real estate agents and government agencies to get a good estimate of the current market values of properties and other improvements. The detailed RCS methodology is attached as Appendix 1 Vol. 3.
222. The independent appraiser consults on the above principles with the affected people to guide the appraisal. The principles of replacement cost and

market value was explained to the affected people during the feasibility and detailed engineering design stage.

223. **Affected Land.** In acquiring land needed for subterranean ROW, the government will first explore the possibility of obtaining a perpetual easement, as stipulated Section 11 of the IRR of R.A. 10752. The next option would be to purchase the affected portion of land including the surface, and as such will entail compensation of structures, improvements, crops, and trees, in accordance with the same Act, along with other entitlements as provided for in this RAP.

224. Under the perpetual easement for subterranean ROW, DOTr will compensate for the loss of the beneficial use of the land's subsurface area. The easement price shall be 20% of the current market value of the land.

225. If the affected land will be acquired through negotiated sale, compensation will be based on current market value free of tax as provided in Section 5(c) of R.A. 10752, computed based on Section 7 of R.A. 10752 and Section 12 of its IRR as below:

1. The classification and use for which the property is suited based on, among other things, the latest approved land use plan and/or zoning ordinance, if any, of the city or municipality concerned;
2. The development cost for improving the land based on, among other things, the records and estimates of the City or Municipal Assessor concerned, GFI or IPA for similar or comparable lands;
3. The value declared by the owners based on the value shown in the owners' latest Tax Declaration Certificates or Sworn Statements;
4. The current selling price of similar lands in the vicinity based on, among other things, the latest records on Deeds of Sale for similar lands in the office of the Register of Deeds concerned;
5. The reasonable disturbance compensation for the removal and/or demolition of certain improvements on the land and for the value of improvements thereon considering, among other things, the replacement cost of improvements at current market prices as provided in Section 6.6 of this IRR;
6. The size, shape or location, tax declaration and zonal valuation of the land based on, among other things, the latest records on Deeds of Sale in the Register of Deeds, tax declaration by the City or Municipal Assessor, zonal valuation of the BIR for comparable properties;
7. The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and
8. Such facts and events so as to enable the affected property owners to have sufficient funds to acquire similarly situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.

9. In all cases, the increase in the value of the affected property brought about by the government project itself will not be considered in the determination of the price offer.
226. **Affected Structures and Improvements, if needed to be acquired.** In case, there are affected structures and improvements to be acquired, compensation will be in terms of replacement cost, as provided in Section 5(a)(2) of R.A. 10752, computed based on Section 6.6 of its IRR. That is, based on the current market prices of materials, equipment, labor, the contractors' profits, and overhead costs, permitting costs, reinstallation of utility connections, and all other attendant costs associated with the acquisition and installation of a similar asset in place of the affected asset. Further, if the affected structure has been damaged, the replacement cost will be based on the pre-damaged condition of the structure. The replacement structure must perform the same functions and meet performance specifications as the original structure.
227. Determination of market value of trees takes into account age and productivity of the tree. Compensation rates will be determined by the replacement cost study and informed by values prescribed by the DA for fruit trees or the DENR for timber trees. The valuation matrix provided by the DA was the basis for the cost of each fruit trees based on its age size and tree productivity lifespan.

K. Eligibility and Project Impacts (subterranean land acquisition)

228. Eligibility defines the APs who are covered by compensation and other entitlements/resettlement assistance. The project-related subterranean land acquisition will not result in the physical displacement of people as well as their economic displacement, unless there will be refusal of IA offer for the perpetual easement of underground PROW. Under which case, direct negotiation on the surface land acquisition including compensation of all structures and improvements to be affected will be done. APs who will be affected under this mode will be compensated whether these are based on legitimate or informal occupation of lands, including those who have no land title or tax declaration or other acceptable proof of ownership, and informal sector families.
229. **Criteria for Eligibility.** An AP is defined as any person or persons, household, firm, private or public institution who, as a result of land acquisition for the project or restricted land use due to the project, experience physical displacement (relocation, loss of residential land, or loss of shelter) or economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) whether such losses and involuntary restrictions are full or partial, permanent or temporary.²⁶ Eligibility is based on this Project Resettlement Policy²⁷.

²⁶ ADB, 2009. Safeguard Policy Statement. Manila.

²⁷ In terms of informal settler families, the final list of beneficiaries for relocation would be determined by NHA or SHFC and concurred by the LIAC during implementation stage.

230. As provided in the chapter on the legal framework, RA 10752 cites two (2) main modes of Right-of-Way acquisition, namely: (1) negotiated sale and (2) expropriation. In the entitlement matrix (EM) presented in Chapter 6, negotiated sale shall be the first option and expropriation the last resort (i.e., in case negotiated sale fails, or in other cases stated in Section 6(b) of the same Act). Eligible APs may fall under the following categories:

1. Landowners (Residential, Mixed Use, Agricultural, Commercial, Industrial, and Institutional)

231. Landowners in this RAP refer to those who meet the following criteria:

- (i). Those who have a full title (such as an Original Certificate of Title (OCT) or a Transfer Certificate of Title (TCT));
- (ii). Those who are not original patent holders of lands granted under Commonwealth Act (C.A.) No. 141 and whose land ownership is not acquired through a gratuitous title (e.g., donation or succession);
- (iii). Those who are original patent holders of lands granted through C.A. 141 and whose land has not been subjected to the previous government exercise of its lien;
- (iv). Those who were former Informal Settler Families (ISF) but now hold a title of land through government socialized housing programs;
- (v). Those who can present the following:
 - Tax Declaration showing his and her predecessors' open and continuous possession of the property for at least 30 years;
 - A certification from the DENR proving that the land is alienable and disposable; or
 - Other documents that may show proof of ownership.
- (vi). Those who are holders of an Emancipation Patent (EP), or Certificate of Land Ownership Award (CLOA) granted under the respective comprehensive agrarian reform statutes;
- (vii). Government agencies and local government units which are owners of affected public lands;
- (viii). Those who were former ISFs and Community Mortgaged Program (CMP) beneficiaries whose titles are still under the name of the organization; or
- (ix). Other paying APs of affected properties whose ownership is still under the name of funding entities or developers.

2. Structure Owners, in case needed to be acquired (Residential, Mixed Use, Agricultural, Commercial, Industrial, and Institutional) and Owners of Non-land Assets and Improvements

232. Structure Owners and Owners of Non-land Assets and Improvements in this RAP refer to those who meet the following criteria:

- (i). Those who own land as described above and/or also own structures, non-land assets and/or improvements in the said land;

- (ii). Those who own structures, non-land assets, and/or improvements used for business but do not own the land where the structures are;
- (iii). Those who own structures, non-land assets, and/or improvements but do not own the land where the structures are located and are not classified as low-income households or the homeless (e.g., they are not poor, or they own real property elsewhere);
- (iv). Those who own structures, non-land assets, and/or improvements but do not own the land where the structures are located and are low-income households, or the homeless;
- (v). Those who own structures, non-land assets, and/or improvements but do not own the land where the structures are located and have previously availed of government socialized housing programs (i.e., returnees);
- (vi). Those who own structures, non-land assets, and/or improvements who were former ISFs but now hold title of land through government socialized housing programs;
- (vii). Those who own structures, non-land assets, and/or improvements who were former ISFs and CMP/National Housing Authority (NHA) beneficiaries whose titles are still under the name of the organizations;
- (viii). Government agencies and LGUs which are owners of affected public structures, non-land assets, and/or improvements on public or private lands; and/or
- (ix). Other paying APs of affected properties whose ownership is still under the name of funding entities or developers.

3. Renters/Lessees of Land and/or Structures

233. Renters/Lessees of Land and/or Structures in this RAP refer to those who meet the following criteria:

- (i). Residential/commercial/institutional/mixed use renters possessing a lease/rental agreement who are not classified as vulnerable or do not have low incomes;
- (ii). Renters and sharers of formal structures who have low incomes are also eligible to avail of socialized housing programs if they satisfy the criteria set forth by this RAP.
- (iii). Agricultural lessees: Renters of agricultural land who may not possess a lease/rental agreement may present a sworn affidavit by a third person who may have witnessed a verbal agreement between the landowner and the lessee.

4. Business Enterprises, if affected

234. Business enterprises are commercial establishments that are operating as of the time of the cut-off date. These are classified in terms of scale of operations (i.e., asset size and number of employees) into micro-, small-, medium-, and large-sized businesses.

235. Micro-businesses pertain to small shops which sell their goods in small spaces, such as sari-sari stores, food stalls, repair shops (including car repair, appliance repair, and cell phone repair), dress shops, tailor shops, beauty

parlors, and vulcanizing shops. These are typically operated within their dwelling places, or ancillary spaces to their dwelling places. These include shops that may or may not have permits to operate issued by the LGUs concerned.

236. Those who own small, medium, or large-sized business establishments (including apartments/units/houses for rent except those operated by squatting syndicates), including those who own land or are leasing a space from property owners. It pertains to any business activities or enterprises engaged in commercial, industry, agribusiness and/or services, whether a single proprietorship, cooperative, partnership, or corporation whose total assets, inclusive of those arising from loans but exclusive of the land on which the particular business entity's office, plant, and equipment are situated. The table below shows the classification of affected business enterprises.

Table IV-3: Categories of Business Enterprises

Enterprise	Asset Size	Number of Employees
Micro	Up to PhP 3,000,000	1-9 employees
Small	PhP 3,000,001-15,000,000	10-99 employees
Medium	PhP 15,000,001-100,000,000	100-199 employees
Large	Above PhP 100,000,000	Over 200 employees

Source: Official Gazette. <https://www.officialgazette.gov.ph/2008/05/23/republic-act-no-9501/>. Based on the definition under Republic Act No. 9501 or the Magna Carta for MSMEs, which amended RA 8289 and RA 6977 (Magna Carta for Small Enterprises) and category of MSME by number of employees used by the Philippine Statistics Authority

5. Employees of Commercial, Agricultural, and Industrial Establishments, if affected

237. Workers are regular, contract, or casual employees of affected commercial (including small shops, micro, small and medium to large-sized businesses, vendors, and commercial stall tenants) or industrial establishments whose incomes will be affected or who may even lose jobs once the said establishments are displaced. It includes APs are displaced from their homes and are required to permanently relocate to a place that makes their former wage-based employment inaccessible, thereby needing to find a new employment or a source of livelihood.

6. Vulnerable Groups

238. Vulnerable groups in this RAP refer to a poor household, a household headed by the elderly or a solo-parent, or a household with a PWD. For the purpose of the RAP implementation, these categories of vulnerable households are further defined as follows:

- ii. **Poor Household.** The Philippine Statistics Authority (PSA) defines the poor according to the poverty threshold, or a total family income needed to meet a family's basic food and non-food needs of a family of 5. As of July 2020, the annual per-capita poverty threshold is set at PhP28,682

for the National Capital Region (NCR) and the monthly income threshold for a family of 5 is PhP11,950.83.

- iii. **Household Headed by the Elderly.** Under the expanded Senior Citizens Act of 2010 (R.A. 9994), any resident of the Philippines who is at least 60 years old is considered as elderly or a senior citizen.
- iv. **Household Headed by a Solo Parent with Dependent/s under 18 Years of Age.** A solo parent is someone who falls under any of the following categories, as indicated in R.A. 8972:
- v. **Household with a Family Member Who is a PWD.** According to the Magna Carta for Disabled Persons (R.A. 7277), pertains to an AP who suffers from constraints of different abilities, as a result of a mental, physical, or sensory impairment, in performing an activity in the manner or within the range considered normal for a human being.

239. APs who belong to any of the following vulnerable groups: (i) households that are below the poverty threshold; (ii) households headed by the elderly; (iii) households with PWDs; and (iv) households headed by a solo parent are expected to face greater challenges in re-establishing their living standards. The vulnerable groups will be provided with additional transitional support and rehabilitation assistance. For AHs with persons needing special assistance and/or medical care, the LGUs concerned will provide nurses or social workers to help them before and during resettlement activities. The beneficiaries of such assistance include households with pregnant women, the elderly, ill family members, young children, and people with physical and mental disabilities.

7. Unanticipated Impacts

240. Entitlements for eligible affected persons due to unanticipated impacts of involuntary resettlement will be prepared in accordance with JICA Guidelines (2010), ADB SPS (2009) and applicable national laws and regulations including those outlined in this RAP.

8. Severity of Impacts

241. Concerning compensation and assistance provided to APs, the severity of the impact caused will be taken into consideration.
242. If the residual portion of affected land is 20% or less, or if the residual portion is no longer viable for use according to the original purpose, the entire property will be acquired, also taking the wishes of APs into consideration. For structures, the impact is considered severe if the structural integrity or the functionality of the main structure is affected by acquisition. The impact is marginal if the affected portions are not integral parts of the main structure, and the remaining portions are still functional.
243. If an AP's productive resource, e.g., a farming land and business, is permanently affected by 10% or more, he/she will be provided with

supplementary support for livelihoods and income restoration in addition to compensation for lost assets and incomes and transitional assistance.

CHAPTER V : COMPENSATION AND ENTITLEMENT

A. Introduction

244. As this RAP will only discuss about the subterranean acquisition of the Tunnel Section PROW, the compensation will only entail the provision of payment for the perpetual easement of underground PROW. Thus, no compensation related to the acquisition of surface land and displacement of aboveground land AHs will be provided in this RAP. Any acquisition of surface land or displacement of AHs due to refusal of the landowner of the offer to compensate of the IA or assessment of the original economic purpose of the surface land yields unfavorable results, the compensation and assistance for negotiated sale and relocation of AHs, if needed, as discussed in this chapter will prevail and will be discussed, preferably, in a DDR and maybe further discussed in detail in an Addendum RAP/ Updated RAP, if warranted.

245. The provision of compensation and assistance is designed to enhance or at least restore the quality of life of all displaced persons in real terms, relative to pre-project levels and, where possible, to improve the standards of living of the displaced poor and other vulnerable groups. The project entitlements have been developed and are presented in the entitlement matrix (Table V-3). As appropriate, compensation will be accompanied with assistance, as outlined in the entitlement matrix.

246. Identification of the eligibility of affected persons (APs) was carried out through site visits to the land delineated whose sub-surface will be affected by the Tunnel Section of the project, and complemented by examination of parcellary maps, and related records from the LGUs of Pasay City and Taguig City. Subsequent socio-economic survey was likewise carried out on the APs composed of private, and institutional landowners.

247. The entitlement matrix outlines the specifics of the compensations and entitlements, as per the impact and eligibility criteria. Specifically, it provides details of compensation and entitlements for:

- i. Perpetual easement of subterranean ROW
 - Loss of beneficial use
- ii. Acquisition of entire land (affected by subterranean ROW) through negotiated sale
 - Loss of land
 - Loss of structures
 - Loss of income/livelihood
 - Loss of public land and structures
 - Loss of non-land assets and improvements
 - Additional hardship due to vulnerability
 - Temporary impacts due to construction
 - Unanticipated involuntary resettlement impacts

B. Units of Entitlements

248. The **unit of entitlement** is the entity (individual, family or household, or community) eligible to receive compensation or entitlements. The units of entitlement include the following categories:
- i. Individuals or juridical persons having legal ownership of land, structures and/or community facilities will be considered as the unit of entitlement of the subject property;
 - ii. Owners of residential or non-residential structures, with or without legal ownership on the land where the structure is located, will be considered as the unit of entitlement, upon presentation of sufficient proof of ownership of said structure;
 - iii. Owners of crops, trees, and other agricultural produce, with or without legal ownership on the land where the crops, trees and/or agricultural produce is located, will be considered as the unit of entitlement, upon presentation of sufficient proof of ownership of crops, trees and/or agricultural produce being claimed;
 - iv. A household will be the unit of entitlement, in instances where the household will be impacted by physical displacement and requiring relocation assistance, including:
 - (a) Households that own the dwelling structure also have legal ownership on the land where the structure is located.
 - (b) Households that own the dwelling structure but do not have legal ownership on the land where the structure is located;
 - (c) Households that are renting, leasing, or sharing the structure.
 - (d) Households who own structures and were former Informal Settler families (ISFs) but now hold title of land through government socialized housing programs.
 - (e) Households who were former ISFs and are Community Mortgage Program (CMP)/NHA beneficiaries whose titles are still under the name of the organization.
 - (f) Households that have previously availed of government socialized housing programs (returnees) and are deemed ineligible by the KSA to participate in the socialized housing program; and
 - (g) Households/APs who occupy temporary dwellings.
 - v. Adults whose waged-based income will be impacted will be the unit of entitlement for livelihood rehabilitation and improvement assistance and compensation for income losses, as detailed in Table 5-1.

Table V-1: APs Entitled to Livelihood Restoration Assistance

Major Group of APs	Entitled APs Based on Entitlement Matrix
APs engaged in enterprise activity	(a) APs who own affected fixed micro businesses within the ROW (e.g., small shops, sari-sari store, carindaria, food stand, repair shop, etc.) with or without permits from the LGU concerned. (b) APs who have agricultural business with or without lease/rental agreement with the landowner (c) APs who own affected small business establishments within the ROW. (d) APs who own affected medium and large business establishments within the ROW.
APs engaged in wage-based occupation	(a) APs who are employed in a displaced commercial, industrial establishment or agricultural businesses and lose their job due to closure of business or laying off as a result of minimized operation. (b) APs who will permanently relocate to a place that makes former wage-based livelihood opportunities inaccessible and as a result need to find new employment or source of livelihood. (c) APs who permanently relocate to a place that makes it more expensive to commute to their place of work but will retain their employment.
APs engaged in land-based activity	(a) APs who are agricultural tenants and sharecroppers. (b) APs who are landowners or lessee who are directly engaged in farming and other agricultural activities.

Source: JICA Design Team

vi. The unit of entitlement for Vulnerable Groups are household, and includes:

- Households below poverty threshold;
- Households headed by the elderly;
- Households headed by a solo parent with dependents; and
- Households with any member of the family residing in the household who is categorized as person with disability (PWD)

vii. Government Agency/ LGU who are owners of affected public structures, community facilities and areas on public land are considered the unit of entitlement for compensation relating to project impacts on these structures and government lands.

C. Conditions

249. In applying these units of entitlement, the following conditions apply:

- i. A household with only one (1) family member will have the same entitlement as those having more than one household member (with the exception of food allowances during relocation as this is calculated on a per person basis);

- ii. Female-headed households are to be equally recognized as a unit of entitlement, similar to male-headed households;
- iii. The unit of entitlement for loss of income from business activities will be the legally registered owner of the business activities who at the time of the census is operating the business on the land or structure to be acquired by the project. For small shops, micro business and vendors with no registration or permit, or supporting documents as proof of income compensation will be based on the indicated income in the survey questionnaire utilized and validated by the Project Management Office (PMO) or RAP Implementation Management Committee (RIMC)/Local Inter-Agency Committee (LIAC); and
- iv. The unit of entitlement for loss of income from agricultural/aquaculture land will be the AP who is directly engaged in farming in the affected land which could be owner lessee, tenant and sharecroppers who till the land. Wage-based workers in these farms are entitled to compensation for loss of income as employees.
- v. Legal co-owners of land, structures and/or business will be included within the one unit of entitlement under the same arrangement as the co-share documents or as per existing form of income-expenses-profit share arrangements.
- vi. Households, regardless of income and category, will have the option to choose between self-relocation assistance or assisted resettlement. The housing modality will depend on several factors such as income, previous inclusion to relocation projects, and AP's preferences.

D. Eligibility

250. There are existing national laws and project resettlement policies that affect the eligibility of some APs in specific situations. These are summarized below:

9. Original Patent Holders of Lands Granted Under CA 141

251. Historically, public land was granted to agricultural farmers with the provision that should a piece of that land (up to 60 m width) be required for a government Right-of-Way (ROW), including railway projects, that it is to be returned to government ownership. As a result, APs who are original patent holders of lands granted under CA 141 (or own it through a gratuitous title such as donation or succession), and whose land has not been subjected to previous government exercise²⁸ of its lien will have different entitlements, as detailed in the entitlement matrix. Specifically, there will be no compensation for land up to 20 meters width if the patent was granted prior to 1975, and up to 60 meters width for patents granted thereafter. Cash compensation for structures, improvements, crops, and trees, within this lien will be computed at full replacement cost.

²⁸ In excess of government lien as specified above, other entitlements for APs who have full title would be followed.

10. Absentee Structure Owners Who Are Members of Squatting Syndicates/Professional Squatters

252. In view of the government's effort to curtail the illegal activities of squatting syndicates and professional squatters, Section 27 of R.A. 7279 explicitly states that any person or group identified as such shall be summarily evicted and their dwellings and structures demolished and shall be disqualified to avail of the benefits of the program.

253. Based on the project resettlement policy, squatting syndicates as defined in section 3 of R.A. 7279 and who are certified by the HUDCC and Local Committee Against Squatting Syndicates and Professional Squatters (LCASSPS) as such will not be eligible for resettlement assistance. Members of squatting syndicates who do not occupy project-affected structures and are residing elsewhere will not be physically displaced and as such will not be eligible for relocation assistance and transitional support. However as provided in the same section of the Act, individuals or groups who simply rent land and housing from professional squatters or squatting syndicates are not classified as the same, and as such would still be eligible to participate in a government socialized housing program (if they meet the other criteria).

11. Previous Recipients of Social Housing Programs Who Sold Their House and Lot

254. Previous awardees of socialized housing through a government program who are low-income and who sold their previously awarded house and lot will be ineligible for another socialized housing package but are still eligible for housing assistance through the self-relocation option or participation in the public rental housing and other compensations/entitlements.

12. Persons Who Have Moved into the ROW After the Cut-off Date

255. Persons or households who moved into the affected structure after the cut-off date²⁹ will be ineligible for resettlement assistance. Similarly, all illegal structures built, and trees planted in the affected land after the cut-off date³⁰ are not compensable and persons living in these illegal structures will also be ineligible for resettlement assistance. In the case of evicted renters/non-landowners who are in the household master list, they will be eligible for assistance. Eligibility has been confirmed through validation conducted jointly by DOTr and the respective LGUs.

²⁹ Cut-off date for non-landowners (i.e., rent-free farmers, informal settler families) refer to Chapter 2, cut-off date for legal landowners is upon the issuance of the NoT.

³⁰ Ibid.

E. Modes of Acquisition

256. The entitlement matrix outlines the entitlements for loss of land, structures and other assets, income and means of livelihood, as well as other forms of assistance for vulnerable groups. The EM on this chapter set out the details of compensation for all affected persons and households.

1. Processes for Provisions of Compensation and Entitlements

257. The process for the provision of compensation and entitlements, as they relate to land, assets and structures is detailed below. Refer to Chapter 7 for processes relating to relocation assistance, and Chapter 8 for processes relating to livelihood restoration and improvement.

2. Process for Perpetual Easement of Subterranean ROW

258. As a first step for areas needed for subterranean ROW, DOTr will send a Notice of Taking (NoT) to landowners similar to the one used for surface land acquisition, but in this case the notification will specifically mention that the needed portion for ROW would be the subsurface or subterranean portions of their properties. In the same manner property owners will be requested to submit necessary documents to show proof of ownership.

259. After due diligence of all submitted documents, DOTr will negotiate with property owners the amount of compensation for a perpetual easement of the subterranean ROW. An Offer to Compensate for the Perpetual Easement of the subterranean right of way will be sent to the landowner containing the amount for the perpetual easement, together with a “return slip” that will be used by the owner upon acceptance of the Offer. Then DOTr will proceed with the processing for the easement agreement and compensate the owners. After compensating the owner, DOTr will reflect an annotation to the Title, indicating the perpetual use of the subterranean portion of the property. In case that the owners will not accept the offer for perpetual easement, the DOTr will consider issuing a Notice of Taking for the affected portion of the property above-ground and subsequently issue an Offer-to-Buy. If the property owner still refuses the offer, DOTr will proceed with the filing of expropriation case for the acquisition of the surface land.

3. Process for Acquisition of the Subterranean PROW

260. DOTr will issue a Notice of Taking (NoT) the subterranean portion of the land to the affected property owners as early as possible³¹ to (1) give them sufficient time to prepare and complete necessary paperwork requirements for

³¹ As soon as parcellary survey plan is approved.

compensation; and (2) enable early validation and authentication of proof of ownership by DOTr; and (3) set the cut-off date for legal property owners.

261. In this manner, payment of compensation can be expedited if the property owner can submit supporting documents to DOTr upon receipt of NoT. DOTr may start the issuance of the Offer to Compensate (OTC) once it accepts the property appraisal and the detailed design phase RAP is approved by JICA/ADB. The OTC contains the (i) amount that DOTr offers to the APs for their affected property(ies) perpetual easement; and (ii) gives the APs 30 days to submit the “return slip” from the OTC along with the supporting documents to prove their ownership of the property signifying their acceptance of the offer³². The property owner has the option to assign an attorney-in-fact as representative for the process. Upon receipt of the documents, DOTr will validate its authenticity and completeness. Should the AP refuse or fail to submit the return slip and supporting documents within 30 days, the DOTr may consider issuing a Notice of Taking for the surface property and afterwards, an Offer-to-Buy(OTB). If the landowner still refuses or does not accept the OTB, the DOTr, through the Office of the Solicitor General (OSG), may initiate expropriation proceedings.
262. If surface land will need to be acquired, and the entire lot will be affected by the acquisition of the PROW, the sale may proceed directly to the execution of the Deed of Absolute Sale, otherwise if it is a partial land acquisition, then a lot subdivision plan/map will be submitted to DENR-LMB for approval prior to the execution of Deed of Absolute Sale.
263. For acquisition of affected surface land with structures, improvements, and crops/trees, DOTr and the AP will, upon acceptance of offer and verification of ownership³³, execute either a Deed of Absolute Sale (DOAS), or DOAS with Permit to Enter (PTE) and Agreement to Demolish and Remove Improvement (ADRI). Once the DOAS, PTE and ADRI have been executed, DOTr may proceed to payment of compensation.
264. For both cases, APs with complete documents will be compensated at 100% payment for land, improvements, crops, and trees. For APs with tax property arrears, payment will be 100% of the amount, less the RPT arrears paid directly to LGU.
265. Should the AP need financial assistance to settle his/her accounts (i.e., RPT arrears, mortgaged property), DOTr may issue an advance payment upon the AP’s request.
266. For APs with EJS cases that are considered curable³⁴, 50% of compensation for land and 100% for improvements/structures and crops/trees

³² Refer to Table 6-2 for cases when APs expressed willingness to accept the offer but lacks the necessary documents to qualify for compensation.

³³ Upon completion of ownership documents

³⁴ Subject to DOTr assessment, EJS cases wherein APs can readily secure a Certificate Authorizing Registration (CAR), upon completion of BIR-required processes and payment of Estate Tax.

will be paid in advance to APs. Any remaining amount will be paid in full prior to displacement of APs.

267. For APs with Extra Judicial Settlement (EJS) cases that are considered incurable³⁵, DOTr will initiate filing of expropriation cases. APs may draw compensation for improvements/structures and crops/trees from the proper Court. DOTr will provide necessary rental subsidy and other entitlements prior to displacement.

268. Similarly, APs who own the structures but do not own the land will sign a memorandum of Agreement (MOA) and execute an ADRI with DOTr. The detailed process for households to relocate is presented in Chapter 7 of this RAP along with the Guidelines for Dismantling Structures). If the documents are complete and verified³⁶ at that time, the AP will receive full compensation for all the affected properties including crops and trees.

269. Figure 1-1 illustrates the flow of right-of-way acquisition including Negotiated Sale and Expropriation Proceeding as explained in Sections 5.4.1 and 5.4.2 here.

³⁵ Subject to DOTr assessment, EJS cases wherein APs fail to reach out of court settlement among heirs.

³⁶ Please refer to Section 6.5.1(2) for details.

[illegible]

4. Process of Expropriation

270. If the AP refuses or fails to accept the compensation in the negotiated sale or refuses to cooperate or submit the documents necessary for payment, DOTr will initiate expropriation proceedings. There might be other cases wherein it may be necessary for DOTr to initiate expropriation proceedings, including i) ownership disputes in the event of multiple ownership/claimants, ii) owner is unable to be located, and iii) owner cannot be identified.
271. For expropriation cases, a check will be deposited to the court upon the filing of complaint by the DOTr through the OSG, as its legal counsel. For land, the amount of compensation will be computed based on the latest Bureau of Internal Revenue (BIR) zonal value. For structures and improvements, the basis of computation will be in terms of full replacement cost as defined in R.A. 10752 and its Implementing Rules and Regulation (IRR). Loss of non-land assets and improvements will be compensated based on its current market value.
272. The Court will immediately issue an order for DOTr to take possession of the property (also referred to as a Writ of Possession) and with order of demolition (for structures, improvements, crops, and trees) the AP will be required to vacate the property. DOTr will be able to start implementation of the project as provided in Section 6(a) of R.A. 10752. While the court adjudicates the compensation to be paid, the AP may, at any time, request the court to release such a deposit upon presentation of proof of ownership (Section 6(a) R.A. 10752).
273. After the case has been heard by the court, the court will order DOTr to pay the difference, if any, between the initial compensation and the just compensation as determined by the Commissioners assigned by said court. DOTr will pay the necessary documentary stamp tax and registration fees while the AP will shoulder the CGT and any unpaid RPT. If compensation is less than replacement cost, the DOTr will apply a mitigation measure to reach replacement cost.
274. Based on Rule 16 Section 1(h) of the 1997 Rules of Court on Civil Procedures, the plaintiff (DOTr) can withdraw the case any time before the filing of the answer by the defendant (APs). If the answer has been filed, there has to be a joint filing by DOTr and the owner to withdraw the case (Section 2, Rule 17 of the 1997 Rules of Court on Civil Procedures).
275. In both cases, the acquisition mode would revert back to Negotiated Sale, which will entitle the owner to payment at current market value for land (as indicated in DOTr's OTB), free of taxes, including CGT, and registration fees, replacement cost for structures and improvements, and market value for crops and trees.

276. If no motion to dismiss as above described is filed, expropriation proceedings will continue. Once the court decision becomes final, executory acquisition mode (expropriation) cannot revert back to any other mode.

277. Where APs agree to the negotiated sale but are unable to gain the necessary documents to show proof of ownership, DOTr may pursue a joint motion in the court for a compromised judgement reflecting the agreed amount – on a case-by-case basis and in good faith. DOTr will provide assistance to APs whose lands will be subjected to EJS. This will be done through the Help Desk that will be established at each LGU prior to the issuance of the NoT. Thus, early issuance of the NoT will support APs to have enough time to complete the EJS process prior to issuance of the OTB letter. If APs are unable to complete the EJS before the expropriation proceedings are heard by a court, DOTr will pay the just compensation as determined by the court, as well as any required taxes including CGT, except for any unpaid RPT.

F. Required Documents for Payment of Compensation

1. Land

278. For land to be acquired through easement agreement or negotiated sale, the landowner(s) are required to submit the following documents prior to full payment:

- Owner's duplicate copy of title (Original Certificate of Title (OCT), or Transfer Certificate of Title (TCT)), or Certificate of Land ownership Award (CLOA) or Copy of the Original Land Patent covering said lot;
- Tax Declaration of Lot;
- Tax Declaration of Improvements (if any)/Certificate of No Improvement;
- Tax Clearance;
- Two government issued/valid Identification Cards (IDs).

2. Affected Structures and Other Improvements, if needed to be acquired

279. Structure owners including informal settlers are required to present the following documents:

- Two (2) valid Government-issued identification cards;
- Clearance for Structures and Improvements if applicable to micro business owners;
- Special Power of Attorney (SPA), if applicable; and
- Tax Declaration of Improvements (if any);
- For APs who own the structures but do not own a private land, a waiver from the private landowner stating that he/she is not the owner of the structure and/or improvement therein and as such he/she is waiving the receipt of any compensation for such. APs who occupy government-owned land and own the structures are not required to have a waiver from the government entity recognized as the owner;
- ISFs (non-landowners) are required to submit the following:

- Certification from the barangay concerned stating that he/she is the rightful owner of the crops and trees;
- Affidavit of the claimant, and two other persons not related to the claimant, preferably neighbor and/or landowner of the adjacent properties; and
- Upon submission of these, validation of claims and issuance of certification from concerned LIAC.
- Other documentary evidence available as proof of ownership of structure.

3. Crops and Trees

280. Owners of crops and trees need to present the following:

- Two valid government IDs;
- Special Power of Attorney (SPA), and
- If applicable, two (2) valid Government-issued identification cards of the Designated Signatory to the Deed of Sale in the SPA.
- For owners of crops and trees on private land that they do not own:
 - Waiver from the landowner stating that he/she is not the owner of the crops and/or trees therein and as such he/she is waiving the receipt of any compensation for such.
- For owners of crops and trees on government-owned or GOCC-owned land:
 - Certification from the barangay concerned stating that he/she is the rightful owner of the crops and trees;
 - Affidavit of the claimant, and two other persons not related to the claimant, preferably neighbor and/or landowner of the adjacent properties; and
 - Upon submission of these two, validation of claims and issuance of certification from concerned LIAC.

4. Income Loss

281. Owners of micro, small, medium, and large businesses, including their respective employees will present the following:

- For displaced employees of affected businesses:
 - Two valid government IDs;
 - Joint affidavit of the employee and of affected business owner that the former will be or was displaced from their current job due to the project; and
 - SSS, PhilHealth, Pag-IBIG or GSIS records of employing entity to establish that the person is indeed employed in their company prior to the implementation of the project; or
 - Validation of claims and issuance of certification from concerned RIMC.

- For affected micro business with annual income of PhP 250,000³⁷ and below:
 - Two valid government IDs;
 - Validation of claims and issuance of certification from concerned RIMC.
- For affected micro business with annual income above PhP 250,000, and affected small, medium, and large businesses:
 - Two valid government IDs of business owner or authorized representative;
 - DTI or Securities and Exchange Commission (SEC) registration, whichever is applicable; and
 - Income Tax Return of the previous year.

5. Assistance to Obtain Necessary Documents

282. DOTr will provide assistance to APs who need to obtain the above-mentioned documents. This will be done through the Help Desk that will be established at each LGU. Template waiver forms and barangay certification/letters will also be available from the Help Desk to support APs in obtaining the required paperwork.

³⁷ Annual income exempted from tax based on the Graduated Income Tax under Section 24(A)(2) of the Tax Code of 1997, as amended by Republic Act 10963. Retrieved from: bir.govg.ph

G. Payment Schedule

283. The schedule of payment to the Legal Property owners is summarized in Table V-2. Compensation payments to ISFs will be paid in full before occurrence of loss or physical displacement and will not require a phased payment schedule.

Table V-2: Payment Schedule for Legal Property Owners

AP Category	1 st Payment	2 nd Payment	Documents to be Exchanged with DOTr Prior to Payments	Timing for APs to vacate
A. Perpetual Easement of Subterranean ROW				
AP with complete documents showing proof of land ownership	<ul style="list-style-type: none"> • 20% of the current market value of surface portion of land 	N/A	<ul style="list-style-type: none"> • Subterranean Easement Agreement 	N/A
B. Negotiated Sale for Surface Land Acquisition				
Case 1. AP with complete documents including Owner's Copy of the Title (APs who submitted proofs of ownership after issuance of NoT and the documents have been subjected to due diligence by DOTr).	<ul style="list-style-type: none"> • 100% of the land • 100% for the structures, crops, and trees 	N/A	<ul style="list-style-type: none"> • DOAS • ADRI³⁸ 	Following full compensation paid (after the 1 st payment as there is only one payment)
Case 2. APs with complete documents but only submitted these after issuance of OTB, and as such DOTr needs to undertake due diligence first.	<ul style="list-style-type: none"> • 90% of the land • 100% for the structures, crops, and trees 	10% of the land	<ul style="list-style-type: none"> • DOAS • ADRI 	Following full compensation paid (after the 2 nd payment)
Case 3. APs with complete documents except tax clearance.	<ul style="list-style-type: none"> • 100% for land and structure/improvement less the amount of RPT arrears paid by DOTr directly to the LGU • 100% for the 	N/A	<ul style="list-style-type: none"> • DOAS • ADRI 	Following full compensation paid

³⁸ ADRI is necessary only if there are affected structures.

	structures, crops, and trees			
Case 4. APs/cases which require EJS.	<ul style="list-style-type: none"> • 50% of the land • 100% for the structures, crops, and trees 	50% of the land	<ul style="list-style-type: none"> • DOAS • ADRI 	Following full compensation paid (after the 2 nd payment)
C. Expropriated Property (in the event of failed negotiation for surface land acquisition above)				
Applicable to all cases.	<p>(i) An initial compensation at an amount computed at 100% of lot price based on latest BIR zonal value for land, replacement cost for structure and improvements, and market value for crops and trees. A check will be deposited to the court in favor of the owner upon filing of expropriation case by DOTr.</p> <p>(ii) While the court adjudicates the compensation to be paid through its appointed commissioners to determine the just compensation, the APs may, at any time request the court to release the amount of the deposited check upon presentation of proof of ownership;</p> <p>(iii) After the case has been heard by the court, the Court will order DOTr to pay the difference, if any, between initial compensation and the just compensation as determined by the court.</p>			<p>After issuance from the court of the Writ of Possession to DOTr. This is roughly 10 days after filing the expropriation case and is before the final court decision.</p> <p><i>At the same time that the Writ of Possession is issued, APs will be able to claim the deposited amount of money held by the court, if they can prove ownership.</i></p>

Source: JICA Design Team

H. Entitlement Matrix

284. Table V-3 shows the Entitlement Matrix for perpetual easement of subterranean ROW whereas Table V-4 provides details for compensation and entitlements under negotiated sale of lots needed for subterranean acquisition.

Table V-3: Entitlement Matrix for Perpetual Easement of Subterranean ROW

Type of Impact		Loss of Beneficial Use
Entitled Person		
S1a	APs who have full title being OCT or TCT or Emancipation Patents (EP) or (CLOA).	Entitlement: Cash compensation for loss of beneficial use computed at 20% of the current market value of surface portion of affected land.
S1b	APs who are not original patent holders of lands granted through C.A. 141 (i.e., those who have bought the patent for the land previously granted through C.A. 141) and where any previous acquisition is not through a gratuitous title (e.g., donation or succession) (C.A. 141, Chapter 7).	
S1c	For untitled land, APs who can present: (a) Tax Declaration showing his and his predecessors' open and continuous possession of the property for at least 30 years, (b) a certification from the DENR that the land is alienable and disposable, and (c) other documents that may show proof of ownership (RA 10752).	
S1d	APs who were former ISFs but now hold title of land as a result of a government socialized housing program.	
S1e	APs who are original patent holders of lands granted through Commonwealth Act (C.A.) No. 141 and the land has not been subjected to previous government exercise of its lien.	
S1f	APs whose properties are ordinary assets ³⁹ (i.e., property is used in trade or business or primarily held for sale).	
S1g	APs who were former ISFs and government socialized housing program beneficiaries whose titles are still under the name of the organization.	
S1h	APs whose properties are mortgaged.	
S1i	APs who are original patent holders of lands granted through Commonwealth Act (C.A.) No. 141 National and local government who own land	1. No compensation 2. Execution of MOA on usage of land/ROW

³⁹ As defined in Section 2.b of BIR Revenue Regulation (RR) 7-2003. As stipulated in the same section, this also includes real properties acquired by banks through foreclosure sales.

Table V-4: Entitlement Matrix for Negotiated Sale of surface land, if needed

Type of Impact		Loss of Land	
Entitled Person		(Severe/Full)	(Marginal/Partial)
1a	APs who have full title being OCT or TCT or Emancipation Patents (EP) or (CLOA).	Entitlements: Cash compensation for loss of land at full replacement cost computed at current market value, free of taxes, including CGT, DST, transfer tax, and registration fees, except RPT arrears. OR If feasible, land for land will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to APs.	Entitlements: Cash compensation for portion of land at full replacement cost computed at current market value, free of taxes, including CGT, DST, transfer tax, and registration fees, except RPT arrears. Easement Agreement: If the portion of a lot required for a ROW is minimal, such that the expenses for surveying or segregating that portion from the main lot would be more than the value of the part of the lot needed, the DOTr may, if the owner agrees, resort to the mode of easement of ROW (Title VII, Chapters 1 and 2 Civil Code of the Philippines). In this case, cash compensation for the value of the portion of the land subjected to easement agreement computed at latest BIR zonal value, with owner retaining ownership of said portion of land (Article 630, Chapter 1, R.A. 386/ Civil Code of the Philippines).
1b	APs who are not original patent holders of lands granted through C.A. 141 (i.e., those who have bought the patent for the land previously granted through C.A. 141) and where any previous acquisition is not through a gratuitous title (e.g., donation or succession) (C.A. 141, Chapter 7).		
1c	For untitled land, APs who can present: (a) Tax Declaration showing his and his predecessors' open and continuous possession of the property for at least 30 years, (b) a certification from the DENR that the land is alienable and disposable, and (c) other documents that may show proof of ownership (RA 10752).		
1d	APs who were former ISFs but now hold title of land as a result of a government socialized housing program.		
1e	APs who were former ISFs and government socialized housing program beneficiaries whose titles are still under the name of the organization.	Entitlements: Same as above, with less any amount still owing to the title.	Entitlements: Same as above.
1f	APs who are original patent holders of lands granted through Commonwealth Act (C.A.) No. 141 and the land has not been subjected to previous government exercise of its lien.	Entitlements: No compensation for land up to 20 m width if patent was granted prior to 1975, and up to 60 m width for	Entitlements: No compensation for the affected portion of land within 20 m width if patent was granted prior to 1975 and up to 60 m width for patents granted thereafter. In excess of government lien, follow other entitlements for marginal/partial impacted 1a APs.

		patents granted thereafter ⁴⁰ . In excess of government lien, follow other entitlements for 1a.	
1g	APs whose properties are mortgaged	Entitlements: Same as above but check payment will be split into as follows. <ol style="list-style-type: none"> 1. For mortgagor APs – Full replacement cost as defined above, less remaining amortization. 2. For Mortgagee – Remaining amortization amount, computed based on original amount of principal, less interests for remaining amortization period 	Entitlements: DOTr to request Mortgagee to segregate the portion of the property to be acquired for ROW from the rest of the property. <ol style="list-style-type: none"> 1. Full replacement cost for portion of the mortgaged property to be acquired, less remaining amortization. 2. Pay Mortgagee the remaining amortization amount needed to release portion of mortgaged property
1h	APs whose properties are ordinary assets ⁴¹ (i.e., property is used in trade or business or primarily held for sale).	Entitlements: Cash compensation for loss of land at full replacement cost computed at current market value, free of taxes, including Value Added Tax (VAT), DST, transfer tax, and registration fees, except Expanded/Creditable Withholding Tax ⁴² (EWT) and RPT arrears.	Entitlements: Cash compensation for portion of land at full replacement cost computed at current market value, free of taxes, including VAT, DST, transfer tax, and registration fees, except EWT ³ and RPT arrears.
Implementation Considerations: <ul style="list-style-type: none"> • DOTr will notify property owners early to enable time to gather necessary paperwork as proof of ownership. APs may seek guidance from DOTr through the Help Desk at the LGU on documentation requirements. • If the original patent granted under CA 141 has been subject to Government exercise or lien, it cannot be subject to lien a subsequent time. • APs can request DOTr to pay the RPT arrears in advance to the LGU. This amount will be deducted from the compensation payment, except when the arrears is higher than the total compensation amount. • The land for land option refers to productive land only and will be considered on a case-by-case basis considering the potential complexities in transferring titles, in order to ensure that there is not a large gap between acquisitions of land and providing the new parcel of land to the AP. • APs who need to settle RPT arrears of significant amounts equivalent to 10% or more of the replacement value of their affected property will be eligible to 			

⁴⁰ For example, if the affected land was granted through CA 141 prior to 1975 and the land to be acquired for the right of way was a strip of land up to 20m then the AP would not be entitled to compensation for the land. If, however, the land to be acquired from the same land was wider than 20m (say 50m) then the AP would be entitled to compensation for any area over the 20m width (in this case 30m) provided other required conditions are met. For land granted through CA 141 from 1975, then the any land acquired up to a width of 60m would not be compensated and same principle would apply as to the 20m example.

⁴¹ As defined in Section 2.b of BIR Revenue Regulation (RR) 7-2003. As stipulated in the same section, this also includes real properties acquired by banks through foreclosure sales.

⁴² Sales of properties by a corporation which is registered with and certified by the HLURB or HUDCC as engaged in socialized housing project with the selling price as determined and adjusted by HLURB are exempted from payment of EWT (Section 2.57.5 of the BIR Revenue Regulation 2-98).

be included in the LRIP.

- Non-viability of remaining portion will be determined by DOTr in consultation with the AP. If the remaining portion of land is not viable for continued use for the original purpose or if more than 80% of the entire land is to be acquired, the entire plot will be acquired subject to agreement of the AP.
- In the event that the appraised value is lower than the BIR zonal value, DOTr will consider re-appraisal of the property.
- In the event that there are fees associated with the mortgager's segregation of the portion of the property to be acquired for the ROW from the rest of the property, such fees will be borne by DOTr.

Type of Impact		Loss of Structure	
Entitled Person		(Severe/Full)	(Marginal/Partial)
2 a	APs who own structures/improvements and also own the land where the structure is located.	Entitlements: <ul style="list-style-type: none"> • Cash compensation for the entire structure equivalent to full replacement cost without deduction for the depreciation or salvaged materials. • In cases where the affected structures are being used as a dwelling by the structure owner and their family residing there, self-relocation or assisted resettlement as follows: <ol style="list-style-type: none"> 1. Self-relocation assistance <ol style="list-style-type: none"> (i) Rental subsidy equivalent to five months of rental payment for an alternative dwelling; (ii) Cash compensation to cover the cost of connecting utilities such as water and power; (iii) Transportation to new dwelling inclusive of transportation of belongings; and (iv) Food allowance of Php 150 per person for three days relocated or a food parcel of equal or greater amount (as determined by DOTr). <p>AND</p> <ol style="list-style-type: none"> 2. Assisted-resettlement <ol style="list-style-type: none"> (i) Option to avail of government economic and medium cost housing program under the HDMF otherwise known as Pag-IBIG Fund. The Pag-IBIG housing loan may be used to finance any one or a combination of the following: 	Entitlements: <ul style="list-style-type: none"> • Cash compensation for the affected portion of the structure at full replacement cost without deduction for depreciation or salvaged materials. Replacement cost includes repair and other associated costs for restoring damaged portion of the structure. • Cash allowance for repair costs commensurate with actual costs. • Rental subsidy for a maximum of three months will be provided if it is determined and agreed between the AP and DOTr NSCR PMO that retrofitting the structure will require the AP to temporary vacate the place.
2 b	APs who own structures/improvements but do not own the land where the structure is located on and are <u>not a low-income household</u> and/or they own a dwelling elsewhere.		

		<ul style="list-style-type: none"> - Purchase of a fully-developed residential lot or adjoining residential lots not exceeding 1,000 m²; - Purchase of a residential house and lot, townhouse, or condominium unit; - Construction or completion of a residential unit on a residential lot owned by the member; - Home Improvement; and/or - Refinancing of an existing housing loan. <p>(ii) Cash compensation to cover the cost of connecting utilities such as water and power;</p> <p>(iii) Transportation to new dwelling inclusive of transportation of belongings; and</p> <p>(iv) Food allowance of Php 150 per person per day for three days or a food parcel of equal or greater amount (as determined by DOTr).</p>	
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Implementation Considerations:

- The amount of the rental subsidy by locality will be determined by DOTr through the replacement cost study, prior to the displacement of APs.
- The DOTr will enter into an agreement with Pag-IBIG so that available housing programs can be made accessible to eligible APs through their respective LGUs. Elderly ISFs without any next of kin that do not meet Pag-IBIG program eligibility criteria may have the option to avail of affordable public rental facility arranged by DOTr. Rental allowance/ subsidy will be provided while awaiting availability of public rental facility.
- APs will not be responsible for demolition of structures. APs may be allowed to self-demolish their structures where safe to do so to enable them to preserve materials that still have salvage value. In such cases APs will be entitled to keep salvageable materials without deduction from compensation.
- Eligibility requirements for Pag-IBIG Loan: (i) active member of Pag-IBIG Fund; (ii) have made at least 24 monthly savings (the lump sum payment of the required 24 monthly savings is allowed); (iii) have the legal capacity to acquire and encumber real property; (iv) have passed satisfactorily background credit/ and employment/business checks of Pag-IBIG Fund; (v) have no outstanding Pag-IBIG short-term loan in arrears at the time of loan application; (vi) have no Pag-IBIG housing loan that was foreclosed, cancelled, bought back due to default, or subjected to dacion en pago; and (vii) if with existing Pag-IBIG housing loan, either as principal or co-buyer/borrower, it must be updated.
- The maximum loanable amount is Php6M based on the lowest of the following: (i) member's actual need; (ii) desired loan amount, (iii) loan entitlement based on capacity to pay; and (iv) loan-to-appraised value ratio.
- Pag-IBIG loan term or maximum repayment period is 30 years.
- Normal loan application may either be through on-line scheduling of appointment or walk-in at any Pag-IBIG branches. In the case of APs, DOTr will make necessary agreement with the HUDCC so that the APs can be assigned a priority lane or similar arrangement for faster processing of their loan.
- With regards to marginally/partially affected structures, if the affected portion results in the structure no longer being suitable for a dwelling for the structure owner and residents, then self-relocation or assisted resettlement options apply.
- Compensation and entitlement to structure shall also apply to those whose structure/s will be affected by the provision of setback.
- Non-viability of remaining portion will be determined by DOTr in consultation with the AP.

Type of Impact	Loss of Structure	
Entitled Person	(Severe/Full)	(Marginal/Partial)

2c	APs who are renting, leasing, or sharing the structure/improvement, and do not have a low-income. ⁴³	<p>Entitlements:</p> <ul style="list-style-type: none"> • No compensation for land or structures. • In cases where the structures are being used as residential dwellings, self-relocation or assisted resettlement as follows: <p>1. Self-relocation assistance</p> <p>(i) Rental subsidy equivalent to five months of rental payment for an alternative dwelling;</p> <p>(ii) Cash compensation to cover the cost of connecting utilities such as water and power;</p> <p>(iii) Transportation to new dwelling inclusive of transportation of belongings; and</p> <p>(iv) Food allowance of Php 150 per person per day for three days or a food parcel of equal or greater amount (as determined by DOTr).</p> <p>OR</p> <p>2. Assisted resettlement</p> <p>(i) Option to avail of government economic and medium cost housing program under the HDMF otherwise known as Pag-IBIG Fund. The Pag-IBIG housing loan may be used to finance any one or a combination of the following:</p> <ul style="list-style-type: none"> - Purchase of a fully-developed residential lot or adjoining residential lots not exceeding 1,000 m²; - Purchase of a residential house and lot, townhouse, or condominium unit; - Construction or completion of a residential unit on a residential lot owned by the member; - Home improvement; and/or - Refinancing of an existing housing loan. <p>(ii) Cash compensation to cover the cost of connecting utilities such as water and power;</p> <p>(iii) Transportation to new dwelling inclusive of</p>	<p>Entitlements:</p> <ul style="list-style-type: none"> • No compensation. • In the case of residential dwellings, if the affected portion results in the structure no longer being suitable for a dwelling, then self-relocation or assisted resettlement option apply. • Rental subsidy for maximum of 3 months will be provided if it is determined and agreed between the AP and DOTr NSCR PMO that retrofitting will require temporary vacating the place.
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⁴³ For this project, low-income families are those whose combined family monthly income is below Php 40,000.

		transportation of belongings; and (iv) Food allowance of Php 150 per person relocated for three days or a food parcel of equal or greater amount (as determined by DOTr).	
2d	APs who are renting, leasing, or sharing the structure/improvement, and have a low-income. ⁴⁴	<p>Entitlements:</p> <ul style="list-style-type: none"> • No compensation for land or structures. • In cases where the structures are being used as residential dwellings, self-relocation or assisted resettlement as follows: <p>1. Self-relocation assistance</p> <p>(i) Rental subsidy equivalent to five months of rental payment for an alternative dwelling;</p> <p>(ii) Cash compensation to cover the cost of connecting utilities such as water and power;</p> <p>(iii) Transportation to new dwelling inclusive of transportation of belongings; and</p> <p>(iv) Food allowance of Php 150 per person per day for three days or a food parcel of equal or greater amount (as determined by DOTr).</p> <p>OR</p> <p>2. Assisted resettlement</p> <p>(i) Option to avail of government socialized housing (if qualified);</p> <p>(ii) Cash compensation to cover the cost of connecting utilities such as water and power (if not provided by KSA/LGU);</p> <p>(iii) Transportation to new dwelling inclusive of transportation of belongings; and</p> <p>(iv) Food allowance of Php150 per person for three days relocated or a food parcel of equal or greater amount (as determined by DOTr).</p> <p>If completion of the socialized housing at the relocation</p>	

⁴⁴ For this project, low-income families are those whose combined family monthly income is below Php 40,000.

		site will not be ready in time, rental subsidy will be provided.	
2e	APs who own structures/improvements but do not own the land where the structure is located on and are a low-income household. ⁴⁵	Entitlements: <ul style="list-style-type: none"> • Cash compensation for entire structure equivalent to full replacement cost without deduction for depreciation or salvaged materials. • In cases where the structures are being used as dwellings, self-relocation or assisted resettlement as follows: 	Entitlements: <ul style="list-style-type: none"> • Cash compensation for affected portion of the structure equivalent to full replacement cost without deduction for depreciation or salvaged materials. • Cash allowance for repair costs commensurate with actual costs. • Rental subsidy for maximum of three months will be provided if it is determined and agreed between the AP and DOTr NSCR PMO that retrofitting will require temporary vacating the place.
2f	APs who own structures/improvements and were former ISFs but now hold title of land through government socialized housing programs.	<ol style="list-style-type: none"> 1. Self-relocation assistance <ol style="list-style-type: none"> (i) Rental subsidy equivalent to five months of rental payment for an alternative dwelling; (ii) If AP opts to move to an existing property (verified by the receiving LGU), in-kind transportation to be provided inclusive of transportation of belongings; and (iii) Cash compensation to cover the cost of connecting utilities such as water and power; (iv) Food allowance of Php 150 per person per day for three days or a food parcel of equal or greater amount (as determined by DOTr). <p>OR</p> <ol style="list-style-type: none"> 2. Assisted resettlement <ol style="list-style-type: none"> (i) Option to avail of government socialized housing program of a partner government Key Shelter Agency (KSA) (if qualified); If not qualified for socialized housing, then the entitlements for assisted resettlement as per 2h apply. (ii) Cash compensation to cover the cost of connecting utilities such as water and power (if not provided by KSA/LGU); (iii) Transportation during relocation including hauling 	

⁴⁵ Includes APs who previously participated in a government socialized housing program but who no longer have it but did not sell it or rent it out (e.g., those who abandoned the housing unit).

		<p>of household belongings to interim rental facilities, until the relocates are transferred to the final resettlement site; and</p> <p>(iv) Food allowance of Php 150 per person per day or a food parcel of equal or greater amount (as determined by DOTr) for three days during relocation to the interim rental units and during relocation to the permanent relocation site.</p> <ul style="list-style-type: none"> • If completion of the socialized housing accommodation will not be ready by time of displacement, rental allowance will be provided. 	
2g	APs who were former ISFs and CMP/NHA beneficiaries whose titles are still under the name of the organization.	<p>Entitlements:</p> <p>Same as above deducting any amount still owed to the housing agency.</p>	
2h	APs who own structures/improvements but do not own the land where the structure is located, and who have previously availed of government socialized housing program (returnees) and are deemed ineligible by the KSA to participate in the socialized housing program.	<p>Entitlements:</p> <ul style="list-style-type: none"> • Cash compensation for entire structure equivalent to full replacement cost without deduction for depreciation or salvaged materials. • In cases where the structures are being used as dwellings by the structure owner and his/her family residing there, self-relocation or assisted resettlement as follows: <p>1. Self-relocation assistance</p> <p>(i) If AP opts to move to an existing property (verified by the receiving LGU), in-kind transportation to be provided inclusive of transportation of belongings;</p> <p>(ii) Cash compensation to cover the cost of connecting utilities such as water and power; and</p> <p>(iii) Food allowance of Php 150 per person per day for three days or a food parcel of equal or greater amount (as determined by DOTr).</p> <p>OR</p> <p>2. Assisted resettlement</p> <p>(i) Option to avail of affordable public rental housing</p>	

		<p>accommodation provided by DOTr in partnership with KSA, NGOs and/or LGUs;</p> <p>(ii) Cash compensation to cover the cost of connecting utilities such as water and power (if not provided by KSA/LGU);</p> <p>(iii) Transportation during relocation including hauling of household belongings to interim rental facilities, until the relocatees are transferred to the final resettlement site; and</p> <p>(iv) Food allowance of Php 150 per person per day or a food parcel of equal or greater amount (as determined by DOTr) for three days during relocation to the interim rental units and during relocation to the permanent relocation site.</p> <ul style="list-style-type: none"> • If completion of the public rental housing accommodation will not be ready by time of displacement, rental allowance will be provided. 	
<p>Implementation Considerations:</p> <ul style="list-style-type: none"> • APs will not be responsible for demolition of structures. However, APs may be allowed to self-demolish their structures where safe to do so to enable them to preserve materials that still have salvage value. In such cases APs will be entitled to keep salvageable materials without deduction from compensation. • Payment of compensation for structures and improvements may, upon the request of APs, be either: <ul style="list-style-type: none"> (i) Fully paid in cash; (ii) Used as an advance payment for their housing loan amortizations; or (iii) Held in abeyance until they are transferred to the relocation site. • AP's preference based on the above shall be stipulated in the respective ADRI. To ensure that funds are available until APs are relocated, DOTr shall make the necessary arrangements with the Land Bank, or equivalent, so that an Escrow Account can be set up for this purpose. APs who preferred to defer payment would be able to withdraw such upon presentation of the Certificate of Award as socialized housing beneficiary issued by the KSA. • For APs who own untitled condominium units, DOTr shall oblige developers, particularly if these were engaged by key shelter agencies, to make the necessary arrangements to effect release of Certificate of Condominium Title to APs who have duly paid full amount in consideration. • Any fees required to be paid to community organizers to organize APs into homeowners or community association will be paid by DOTr. • For cases where APs are required to avail of rental subsidy assistance while awaiting completion of socialized housing, assistance to transport belongings will be provided both at time of initial displacement to temporary accommodation as well as to socialized housing when it is completed. 			
2i	APs who occupy temporary dwellings ⁴⁶ .	<p>Entitlements:</p> <p>Provision of assisted resettlement options as detailed for 2d provided that they present a certification from their respective Barangay Captains and Head of LGU's</p>	<p>Entitlements:</p> <p>No compensation for structure.</p>

⁴⁶ Moveable sleeping materials located within the project right-of-way (e.g., tent, cart, tarpaulin)

		<p>Urban Poor Affairs Office (UPAO) or the Local Housing Office (LHO) or equivalent stating that they are bona fide residents and have occupied the project affected area prior to the applicable cut-off date.</p> <p>APs that do not meet the socialized housing program eligibility criteria but are able to present Certification may have the option to avail of affordable public rental facility through partnership with KSA, NGOs, and/or LGUs, to the extent possible.</p> <p>If completion of the public rental facility will not be ready by time of displacement, rental subsidy will be provided.</p>	
<p>Implementation Considerations:</p> <ul style="list-style-type: none"> Any fees required to be paid to community organizers to organize APs into homeowners or community association will be paid by DOTr The amount of the rental subsidy by locality will be determined by DOTr through market research. For cases where APs are required to avail of rental subsidy assistance while awaiting completion of socialized housing, assistance to transport belongings will be provided both at time of initial displacement to temporary accommodation as well as to socialized housing when it is completed. 			

Entitled Person		Loss of income/Livelihood
3a	APs who own fixed micro businesses (e.g., small shops, sari-sari store, carinderia, food stand, repair shop, etc.) with or without permits from the LGU concerned.	<p>Entitlements:</p> <p>Cash compensation for income losses during transition period corresponding to stoppage of business activities, not to exceed six months.⁴⁷</p> <p>Cash compensation to cover transactional (e.g., permitting) cost of re-establishing the business elsewhere.</p> <p>Assistance to transport belongings to new location.</p> <p>Assistance in securing soft loan to enable self-rehabilitation for those restarting business elsewhere.</p> <p>Participation in the Livelihood Restoration and Improvement Program (LRIP).</p> <p>For APs who are leasing space from property owners:</p> <p>For those who will continue with their micro-small business activities elsewhere, rental subsidy for three months based on prevailing average monthly rental for a similar structure</p>

⁴⁷ Preferred mode of business transition is to help set up affected persons with an alternative but similar business with minimal transition period. Options have to be considered by the APs with no delay.

		of equal type and dimension to the property being leased. Not applicable to lease contracts that will expire at the time of taking.
3b	APs who own small, medium, and large business establishments ⁴⁸	<p>Entitlements: Cash compensation for income losses during transition period corresponding to stoppage of business activities, not to exceed six months.⁴⁹ Cash compensation to cover transactional (e.g., permitting) cost of re-establishing the business elsewhere. Assistance to transport belongings to new location. Assistance in securing soft loan to enable self-rehabilitation for those restarting business elsewhere.</p> <p>For APs who are owners of small, medium, or large commercial establishments built inside own affected property: Acquire the property but allow the owner of the structure and business use of the land for a defined period to give the owner time to transfer, subject to agreement on a case-to-case basis.</p> <p>For APs who are owners of commercial/business entities and are leasing affected space/property: For those who will continue with their commercial and business activities elsewhere, rental subsidy for three months based on prevailing average monthly rental for a similar structure of equal type and dimension to the property being leased. Not applicable to lease contracts that will expire at the time of taking.</p>
3c	Vendors with no stalls ⁵⁰	<p>Entitlements: Assistance in identification of, and transportation to, an alternative site to continue economic activity, e.g., assistance in (a) shifting to areas within the same LGU where there</p>

⁴⁸ Categories of business are based on capitalization and number of employees, with (1) Php 3,000,001-15,000,000 capitalization and 10-99 employees for small businesses, (2) PhP 15,000,000-100,000,000 capitalization and 100-199 employees for medium businesses, and (3) More than Php 100,000,000 capitalization and over 200 employees for large businesses. as defined under Small and Medium Enterprise Development (SMED) Council Resolution No. 01 Series of 2003 dated 16 January 2003.

⁴⁹ Preferred mode of business transition is to help set up APs with an alternative but similar business with minimal transition period. Options have to be considered by the APs with no delay.

⁵⁰ Pertains to vendors who do not have permanent vending structure (e.g., carts, moveable tables, etc.)

		is no construction, (b) identify alternative sites to sell, and (c) link to existing government livelihood programs.
3e	APs who are employed in a displaced commercial, agricultural, or industrial establishment and lose their job due to closure of business or laying off as a result of minimized operation.	Entitlements: Cash compensation for net salary of two months based on actual salary. For APs whose income is below or within the minimum wage, cash compensation for four months based on prevailing minimum wage ⁵¹ .
3f	APs who relocate to a place that makes former wage-based livelihood opportunities inaccessible and as a result need to find new employment or source of livelihood.	Participation in the LRIP. Provision of skills training in anticipation of available job positions during construction and operation of the project. Training allowance ⁵² . Priority in employment during construction and operation stage of the project.
3g	APs who relocate to a place that makes it more expensive to commute to their place of work and they retain their employment.	Entitlements: Commuting allowance of an amount based on additional costs, but not exceeding Php 5,000 per household per month for three months (not entitled to 3e or 3f). ⁵³
Implementation Considerations: Income losses as based on evidence such as tax receipts or otherwise as per estimated values of monthly income losses for various categories of micro-businesses to be determined during validation.		

Entitled Person		Loss of Public Land and Structure (Severe/Full)
4a	Government Agency/ LGU owners of affected public structures on public land.	Entitlements: Compensation between agencies based on mutual agreement. Transportation to be provided inclusive of transportation of belongings.
4b	Government Agency/ LGU owners of affected public structures on private land.	Entitlements: Cash compensation for structures at full replacement cost. Transportation to be provided inclusive of transportation of belongings.

Entitled Person	Loss of Non-Land Assets and Improvements
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⁵¹ Inclusive of payment of daily wage equivalent to the number of days the trainees need to be absent from work in order to attend training (during training) equivalent to the prevailing minimum wage in the area shall be provided to APs who are attending the training

⁵² Transportation allowance only if necessary

⁵³ Commuting allowance will be provided only upon transfer to off-city permanent relocation site. No commuting allowance will be provided at the temporary accommodation.

5a	Owners of fruit and timber trees (regardless of ownership status of affected land).	Entitlements: Cash compensation at replacement cost for affected fruit and timber trees.
5d	Owners of other affected non-land assets and improvements (not mentioned in 5a, 5b or 5c).	Entitlements: Compensation at replacement cost for affected non-land assets and improvements (not mentioned in 5a, 5b, 5c). Alternatively, APs may opt for transportation of secondary structures (non-land assets) in whole or in part in lieu of compensation where property can be viably transported.
Implementation Considerations: <ul style="list-style-type: none"> • Determination of replacement cost of trees will take into account age and productivity of the tree. • Compensation rates determined by the replacement cost study and informed by values prescribed by the Department of Agriculture (DA) (for fruit trees) or DENR for timber trees. • Coordination with landowners, agricultural farms and/or fishpond operators to advise them regarding the schedule of clearing. 		

Entitled Person		Additional Hardship Due to Vulnerability
6a	APs who are classified as any of the following vulnerable groups: poor (based on the poverty income threshold), elderly and solo parent-headed households, and persons with disabilities.	Entitlements: <u>In addition to applicable compensation:</u> <ul style="list-style-type: none"> • Inconvenience allowance in the amount equivalent to Php 10,000 per household. • For the families with persons who need special assistance and/or medical care, respective LGUs to provide nurses or social workers to help them before and during the resettlement activity. • Rehabilitation assistance in the form of vocational training and other development activities with the value of up to Php 15,000 will be provided in coordination with other government agencies. • Support and/or maintain access to government welfare programs. • Inclusion in the LRIP.

Entitled Person		Temporary Impacts due to Construction
7a	APs who have legal rights to the land.	Entitlements: <ul style="list-style-type: none"> • Restoration of land within three months of completion of use. • Compensation for affected non-land assets at full replacement cost commensurate with rates set out in the RAP. • Cash payment for rent of the affected land at prevailing rental rates in the location of the property until the property is restored.
7b	APs without legal rights to affected land but owners of affected non-land assets.	
7c	Severance impacts and/or barrier effect during construction disrupting lateral movement (access) or access to property.	Entitlements: The project will provide for crossings and continued access. In the event that construction works block access to a business, then compensation for lost income for the period of disrupted access will be provided.

Implementation Considerations:

Contractors will be responsible for the arrangement and payment of land rent, restoration of land and compensation for non-land assets and lost income. Temporary impacts due to construction will be monitored and reported as part of the Environment Management Plan.

Entitled Person		SUB-TERRANEAN EASEMENT AGREEMENT
8a	<p>APs who have full title such as Original Certificate of Title (OCT) or Transfer Certificate of Title (TCT)</p> <p>Successor in interest APs who are NOT the original patent holders of lands granted through Commonwealth Act (C.A.) 141, and where any previous acquisition of said land is not through a gratuitous title</p> <p>For untitled land, APs who are holders of Tax Declaration showing his and his predecessors' open and continuous possession of the property for at least 30 years</p> <p>APs who holds title of land through government socialized housing program</p> <p>APs who are beneficiaries of government socialized housing program but has not completed amortization of awarded property.</p> <p>APs whose properties are ordinary assets (i.e., property is used in trade or business or primarily held for sale).</p> <p>APs whose properties are mortgaged.</p>	<p>Entitlements:</p> <p>Cash compensation for affected portion of land computed at 20% of current market value with APs retaining ownership of land;</p> <p>OR</p> <p>If the landowner, does not agree to the installation of the easement, the affected land will be acquired and compensated as per provisions under section 1 of the entitlement matrix.</p>
8b	<p>APs who are original patent holders of lands granted through Commonwealth Act (C.A.) No. 141</p> <p>National and local government who own land</p>	<p>1. No compensation</p> <p>2. Execution of MOA on usage of land/ROW</p>

Entitled Person		Unanticipated Involuntary Resettlement Impacts
9a	Eligible affected persons.	<p>Entitlements will be prepared in accordance with the JICA Guidelines (2010), ADB SPS (2009) and applicable national laws and regulations (including requirements for preparation of corrective action plan and other related documents for JICA and ADB to review and approve), and the Environmental Management Plan (EMP) of the approved Environmental Impact Statement (EIS).</p> <p>In the event that the residual community will lose access due to the project, DOTr shall either maintain access or acquire the remaining land. Any additional land acquisition (including all affected structures, improvements and crops therein) as a result of landlock, provision of access, and/or required setback shall be compensated similarly as provided for in this entitlement matrix. Likewise, families and businesses that will be displaced as a result of landlock or provision of access road or required setback shall be eligible to all applicable entitlements and resettlement and/or LRIP provided for in this RAP.</p>
Implementation Considerations: Entitlements to be prepared in such circumstances are subject to approval of the DOTr and concurrence by JICA and ADB.		

Expropriation Proceeding

1. An initial compensation at an amount computed at 100% of lot price based on latest BIR zonal value for land, replacement cost for structures and improvements, and market value for crops and trees (less any unpaid RPT and CGT) in the form of a check will be deposited to the court in favor of the owner upon filing of expropriation case by DOTr. The Court will immediately issue an order to take possession of the property and start implementation of the project (Section 6(a) R.A. 10752).
2. While the court adjudicates the compensation to be paid, the APs may, at any time request the court to release such deposit upon presentation of proof of ownership (Section 6(a) R.A. 10752).
3. After the case has been heard by the court, the Court will order DOTr to pay the difference, if any, between initial compensation and the just compensation as determined by the court.
4. At this time, DOTr will also pay any required taxes and fees (such as notary fees) where applicable with the exception of CGT (as detailed in RA10752) and any unpaid RPT.
5. If compensation is less than replacement cost, DOTr will apply a mitigation measure to reach replacement cost.
6. Other applicable allowances including livelihood rehabilitation and transitional assistance allowances apply as per cases not subject to expropriation.

Implementation Considerations:

- Based on Rule 16 Section 1(h) of the 1997 Rules of Court on Civil Procedures, the plaintiff (DOTr) can withdraw the case any time before the filing of the answer by the defendant (owners). If the answer has been filed there has to be a joint filing by DOTr and owner to withdraw the case (Section 2, Rule 17 of the 1997 Rules of Court on Civil Procedures). In both cases, the acquisition mode would revert back to negotiated sale, which will entitle the owner to payment at current market value for land (as indicated in DOTr's OTB), free of taxes, including CGT, and registration fees, replacement cost for structures and improvements, and market value for crops and trees. If no motion to dismiss as above described is filed, expropriation proceeding will continue. Once the court decision becomes final and executory acquisition mode (expropriation) cannot revert back to any other mode.
- Where the AP agreed to the negotiated sale but was unable to gain the necessary documents to show proof of ownership, DOTr may pursue a joint motion in the court for

a compromised judgement reflecting the agreed amount – on a case-by-case basis and in good faith.

- DOTr will provide assistance to APs whose lands will be subjected to EJS. This will be done through the Help Desk that will be established at each LGU prior to the issuance of the NoT. Early issuance of the NoT is highly recommended for APs to have enough time to complete/progress EJS process prior to issuance of the OTB, which only gives them 30 days to accept offer, after which expropriation proceedings can commence. If there are APs who are willing to undergo negotiated sale but are unable to complete the EJS before the expropriation proceedings are heard by a court, DOTr will pay the just compensation as determined by the court, as well as any required taxes including CGT, except for any unpaid RPT. .

CHAPTER VI : RELOCATION AND RESETTLEMENT PLANNING

285. This RAP covers the acquisition of subterranean land and although there maybe structures above ground, only a perpetual easement compensation will be offered to the affected landowners without displacement of AHs under this Tunnel Section RAP, unless there will be refusal of the landowner for the subterranean section acquisition or an assessment of the original economic purpose of the land will result to surface land acquisition. Both cases will result to surface land acquisition, a Due Diligence Report will be prepared initially to assess surface land acquisition impacts. If further warranted, due to IR findings, an Addendum RAP or Updated RAP will be prepared to discuss the IR impacts and will include discussions on relocation and resettlement of APs, if required. The IR impacts and entitlements of the APs in the overlapped section of the tunnel with the Makati-Buli mainline of the NSCR-Ex Project particularly APs on the surface lands, are covered under the Makati-Buli RAP Report.
286. In case of surface land acquisition, as discussed above, the relocation and resettlement plan for landowners (LOs), and non-landowners (NLOs) in Taguig and Pasay Cities will be discussed in an Addendum RAP or Updated RAP, if warranted after the submission of a DDR. The said APs will be provided with resettlement assistance due to permanent loss of land, as well as payment of affected residential structures, and other land improvements. Also included is the relocation plan for severely affected community structures, institutional and government facilities, and establishments.
287. A Due Diligence Report (DDR) will be prepared by DOTr confirming the intentions of APs with respect to agreement to or refusal of the subterranean easement agreement. The DDR will also present information about any unanticipated impacts identified at the time. The DDR will be shared with ADB and JICA. Should any APs refuse the subterranean easement agreement, an Addendum RAP/ Updated RAP, will be prepared for the agreement by ADB and JICA.” Other references to the DDR in the RAP have been adjusted accordingly.
288. The Department of Transportation (DOTr) as the implementing agency (IA), in coordination with the Local Government Unit (LGU) of Cities of Taguig and Pasay will ensure that no AH will be forcibly evicted or a structure demolished without prior notice, resettlement, full payment of compensation, and meaningful consultations. Further, relocation and resettlement procedures and guidelines set by the Government of the Philippines (GoP), with support from ADB, and JICA shall be observed.
289. The relocation approach of the NSCR-Ex Project, in coordination, and concurrence with the Cities of Makati, Paranaque, Taguig and Muntinlupa, and SHFC is the provision of in-city and off-city relocation. AHs were informed and consulted about the relocation sites, and their preferred relocation option. Landowners of the relocation sites will be compensated for affected land and other non-land assets at full replacement cost.

CHAPTER VII : PUBLIC CONSULTATION

290. This chapter highlights (i) principles for consultation and participation, (ii) project stakeholders, (iii) consultation and participation mechanisms adopted at various stages of the project cycle, (iv) activities undertaken to disclose project information, and (v) the results of consultations with affected persons (APs).
291. Information disclosure and meaningful consultations at the early stage of the NSCR-Ex provide an opportunity for APs to express their opinions, apprehension, and negative sentiments towards relocation amid the current COVID-19 pandemic situation so that the Department of Transportation (DOTr) can promptly address the matters raised. The DOTr pays particular attention to the need of disadvantaged or vulnerable groups, such as those below the poverty line, households headed by the elderly, households headed by solo parents, and households with members who are PWDs.
292. In compliance with the policies of the Japan International Cooperation Agency (JICA) and the Asian Development Bank (ADB) on stakeholder engagement that require APs to be involved in the resettlement process, APs ought to be fully informed, consulted, and encouraged to participate in the decision-making process about the project affecting their lives.

A. Principles for Consultations and Participation

293. The DOTr carries out meaningful consultation with APs throughout the project cycle. Meaningful consultation refers to the process with the following elements:
- Begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle;
 - Entails timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people;
 - Undertaken in an atmosphere free of intimidation or coercion.
 - Gender-inclusive and gender-responsive, and tailored to the need of disadvantaged and vulnerable groups; and
 - Enables the incorporation of all relevant views of affected people and other stakeholders into the decision-making process concerning design, mitigation measures, sharing of development benefits and opportunities, and implementation issues.
294. The DOTr ensures the participation of affected landowners/ landowner claimants and other stakeholders concerned throughout the preparation and updating of RAP in Barangay Fort Bonifacio in Taguig City and government agencies who own the affected subterranean land in Pasay City. Consistently, the DOTr has kept informing APs and other stakeholders concerned of the following:
- Project updates: project name, project design, objectives, and features, areas traversed by the project, location of stations, alignment of the project right-of-way (ROW), and project implementation schedule;

- Probable benefits and adverse impacts of the project and mitigating measures to be taken;
- Social safeguards policies and guidelines of ADB and JICA and standards for property valuation based on Republic Act (R.A.) No. 10752;
- Compensation and entitlement packages and the schedule of information disclosure meetings on valuation;
- RAP ground activities such as parcellary , socio-economic survey (SES) and replacement cost survey (RCS). For the landowners, the cut-off dates are upon their receipt of the notice of taking (NoT);
- Process and timing of compensation payment and entitlement provision; and
- Establishment of the grievance redress mechanism (GRM).

295. Information, education and communication (IEC) meetings were done to inform the concerned local government officials both at the city and barangay levels pertaining to the project and potential impacts to the landowners.

B. Project Stakeholders

296. The primary stakeholders of the Project are the following:

- a. Taguig LGU which has its respective jurisdiction over APs and the project right-of-way (ROW); and
- b. Owners of land parcels located within or adjacent to the ROW of the Philippine National Railways (PNR);

297. APs in this RAP refer to (i) those who own affected private land, and (ii) those who own affected government lands.

298. There are no organizations which will be indirectly affected by the Project.

299. There are nine (9) vulnerable LO households identified under the SES conducted for this RAP. But they will not be displaced, unless there will be refusal of the landowner for the subterranean section acquisition or an assessment of the original economic purpose of the land will result to surface land acquisition. In such cases, the compensation and assistance for negotiated sale and relocation of AHs, if needed, as discussed in this chapter will prevail and will be discussed, preferably, in a DDR and maybe further discussed in detail in an Addendum RAP/ Updated RAP, if warranted.

C. Consultation and Participation Mechanisms

300. The NSCR-Ex project cycle is divided into three stages: (i) planning and pre-project implementation stage, (ii) project implementation stage, and (iii) post-project implementation or project operation stage. The planning and pre-project implementation stage refers to the RAP preparation, which is divided into two sub-phases, i.e., feasibility study (FS) phase and detailed engineering design (DED)

study phase. The project implementation stage involves resettlement and land acquisition, the LRIP implementation, civil works, monitoring and evaluation, and information dissemination and disclosure. The post-project implementation entails information dissemination and disclosure and impact evaluation. Table VII-1 describes various consultation and participation mechanisms adopted in different project phases.

Table VII-1: Consultation and Participation Mechanisms

Stage of Project Cycle	Mechanism	Timing and Frequency	Responsible Agency
A. Planning and Pre-Project Implementation			
Feasibility study	IEC	Once per LGU (city level), prior to all field activities	DOTr
	First stakeholder consultation meeting (SCM)	Once per LGU (barangay level), prior to census and tagging activities	DOTr
	Second SCM	Once per LGU (barangay level), after census and tagging activities	DOTr
	Third SCM	Once per LGU (barangay level), after the approval on the entitlement matrix	DOTr
	Focus group discussion (FGD)	Once per LGU (barangay level), after census and tagging activities	DOTr
Detailed design	IEC	Once per LGU (city level), prior to all field activities	DOTr
	First SCM	Once per LGU (barangay level), prior to parcellary survey	DOTr/Social Housing Finance Corporation (SHFC)
	Second SCM	Once per LGU (barangay level), after updated census and tagging	DOTr/SHFC
	FGD	Once per LGU (barangay level), between first and second SCMs	DOTr
	Production and distribution of printed and other materials	Printed materials are prepared to inform APs of (i) where to address their grievances, (ii) schedule of public consultation, and (iii) inventory of land. Project information brochure (PIB) (Tagalog and English versions) Project poster GRM brochure Tarps of the local help desk (four types)	DOTr

		Standard DOTr presentation material (audio-visual production)	
	Online disclosure of project information	As needed. Information disclosed through project Facebook page, Twitter, and website	DOTr/SHFC
	Media release and press briefing	As needed. Press briefings are meant to disclose key project information, key project highlights and act as a risk mitigation measure.	DOTr
B. Project Implementation			
Resettlement and land acquisition	Community validation	Once per barangay after the validation of the master list	RAP Implementation Management Committee (RIMC)/barangay LGU (BLGU)/SHFC
	Site visit	Three times per LGU between people's planning workshops	Local Inter-Agency Committee (LIAC)/(LHB)/SHFC
	Local help desk	The local help desk will be operated once a week.	DOTr
	Final orientation prior to relocation	Once per LGU or Community Assembly (CA) prior to the ROW clearing and compensation payment	SHFC
	Issuance of the notice to vacate and relocate	One final orientation on the relocation process will be conducted.	SHFC
LRIP	Consultation on the LRIP	Once per barangay LGU, prior to actual relocation	DOTr/SHFC/DOLE/DTI/TESDA
	Local help desk	The local help desk will be operated once a week.	DOTr
Civil works	Consultation on civil works	Once per city or municipality	DOTr
Monitoring and evaluation	SCM	Once per LGU, every year from the commencement of civil works until loan closing	DOTr

Information dissemination and disclosure	Production and distribution of printed and other materials	As needed. Printed materials to inform APs of where to go or who to contact for their grievances and complaints	DOTr
	Online disclosure of project information	As needed. Information disclosed through project Facebook page, Twitter, and website	DOTr
	Media release and press briefing	As needed. Press briefings are meant to disclose key project information and highlights and act as a risk mitigation measure.	DOTr
C. Post-Project Implementation			
Information dissemination and disclosure	Production and distribution of printed and other materials	As needed. Printed materials to inform APs of where to go or who to contact for grievances, available livelihood and employment opportunities, skills required, and jobs fair	DOTr
	Online disclosure of project information	As needed. Information disclosed through project Facebook page, Twitter, and website	DOTr/SHFC
	Media release and press briefing	As needed. Press briefings are meant to disclose key project information and highlights and act as a risk mitigation measure.	DOTr
Impact Evaluation	SCM	Once per receiving LGU, three years after relocation	Department of Human Settlements and Development (DHSUD)
	FGD	Once per relocation site, three years after actual relocation	DHSUD/external monitoring agent (EMA)

Source: JICA Design Team, ADB

D. Consultation/Participation Mechanism Undertaken during Feasibility Study Phase

301. The DOTr conducted IEC meetings, stakeholder consultation meetings (SCMs), and focus group discussions (FGDs). These serve as platforms for consultations

between key stakeholders from the national government and Taguig City LGU during the FS Phase.

302. **Information, Education and Communication Meetings.** Through an IEC meeting with Taguig, and Pasay LGUs, the DOTr disclosed (i) the project's initial alignment and engineering design, (ii) affected barangays, (iii) initial schedule of activities for the conduct of the FS RAP, and (iv) expected economic and social benefits of the project for local communities and the general public. DOTr requested the LGU to provide their support, comments, and suggestions pertaining to the project and FS RAP activities.
303. **Stakeholder Consultation Meetings.** The first rounds of SCM during the FS served as a venue to gather inputs from possible APs for the RAP preparation and explain about RAP activities to the communities concerned, thereby minimizing resistance during survey activities. The SCMs informed APs that their rights are protected under Philippine laws and international social safeguards policies. It also served as a venue to determine possible project impacts on APs as well as identify policy gaps and unusual cases relevant to the project that may have impacts on them. The SES results and inputs during the first and second SCMs were considered in preparing the entitlement matrix. The SCMs were held in the barangays which will be traversed by the project ROW. Information on project background and timeline, the mechanics of the RAP surveys, and the legal framework were presented. The last part of the session was an Open Forum where the opinions, as well as questions, and concerns of the APs were aired. DOTr and concerned agency representatives were present to answer questions from the participants.
304. **Initial Information, Education and Communication (IEC) Meeting with Concerned Local Government Units.** The IECs were conducted for Pasay City and Taguig City on October 23, 2019 – September 24, 2020, by the DOTr, and consultants. The following topics were discussed with the LGUs:
- a) NSCR-Ex Project that included the Tunnel Section overview and timeline;
 - b) Project Alignment;
 - c) Scope of RAP Activities; and
 - d) Project Health and Safety Protocols

305. Meeting details and attendance are shown in Table VII-2.

Table VII-2: Stakeholders in IEC Meetings

IEC Meeting	Date	LGU/ Barangay	Stakeholders	Total Number of Participants		
				Male	Female	Total
1 st IEC Meeting	23 October 2019	LGU of Pasay	LGU, DOTr, JDT, EcosysCorp.	12	13	25

2 nd IEC Meeting	15 October 2020	LGU of Pasay	LGU, DOTr, GCR, JDT EcosysCorp.	12	13	25
1 st IEC Meeting	24 September 2020	LGU of Taguig	LGU, DOTr, JDT, EcosysCorp.	14	12	26
Total				38	38	76

Source: DOTr (2021)

306. Questions raised by the LGU representatives were addressed by DOTr and consultants during the meeting. Presented in Table VII-3 below are the issues and concerns raised, and the corresponding responses from the DOTr.

Table VII-3: Issues and Concerns Raised During IEC Meetings

Queries/Comments/Suggestions/Concerns	Response to Queries
IEC summary	
Where is the Metro Manila Subway Project (MMSP) in relation to the NSCR-Ex Project?	<ul style="list-style-type: none"> The project from Valenzuela is the MMSP that will be going to FTI and will be interconnected to the NSCR-Ex Project. The end point of the subway will be at Bicutan Station, however the train from Valenzuela will also be going to Calamba using the NSCR-Ex tracks.
It was raised that the health and safety protocols be coordinated with the Safe City Task Force.	<ul style="list-style-type: none"> The concern is noted and that the Health and Safety Protocols will be discussed. A video presentation of the health and safety protocols will be submitted for their reference.
It was requested that their LGU be given a copy of the alignment.	<ul style="list-style-type: none"> DOTr MMSP and DOTr NSCRP Ex will coordinate with their office.

E. Stakeholders Consultation Meeting

307. **First Round of DED SCMs.** After the conduct of IEC Meetings, a series of SCMs were carried out. The First SCM intended to inform the potentially affected persons (APs) about the Project, explain the RAP Activities to be carried out, and discuss

the Legal Framework followed in the RAP preparation. The first SCM was conducted through an online platform based on the APs preference. Queries and responses were documented, and it has been observed that there were common questions raised during the meetings among the different barangays. The questions raised were during the first SCM covered topics on Relocation and Resettlement.

308. An SCM for affected landowners belonging to the category of government agencies and institutions is being coordinated by DOTr. The affected government institutions include the following: 1) Bases Conversion Development Authority; 2) Manila International Airport Authority (MIAA); 3) Manila Railroad Company; 4) Pasay City South High School; 5) Taguig Pateros District Hospital (parking area); 6) Technological University of the Philippines (TUP) Taguig; and 7) Villamor Airbase. As of date, coordination meetings were held with five (5) of these agencies, namely MIAA, Taguig Pateros District Hospital, Villamor Airbase, and the TUP as well as the co-IA, the PNR (Manila Railroad Company), the co-Implementing Agency of the project.
309. A total of 42 participants from the affected barangays attended the First SCM as presented in Table VII-4. There were 42 participants that attended comprising 23 females and 19 males. Further details are summarized below.

Table VII-4: Number of Participants during the First SCM of SN-FTI Subterranean Section

Mode of SCM	Date	LGU	Barangay	Participants	Male	Female	Total
Online	23 July 2021, Friday, 9:00 A.M. - 11:00 P.M.	Taguig	Brgy. Fort Bonifacio and Brgy. Western Bicutan	APs, LGU, BLGU, DOTr, PNR, GCR, EcosysCorp	19	23	42
Total							42

310. Table VII-5 below presents the discussions on the questions, concerns, and suggestions raised during the first SCM.

Table VII-5: Summary Discussion raised at the First SCM

Queries/Comments/Suggestions/Concerns	Response to Queries
Relocation and Resettlement	
Will they be relocated due to the project?	<ul style="list-style-type: none"> It was explained that the Project alignment is subterranean or underground. Structures, trees and other improvements on the surface will not be affected and therefore there will be no displacement.

Will their structures be affected by the project?	<ul style="list-style-type: none"> • While surface structures will not be affected by the subterranean ROW there will be limitation on the use of the land such as restrictions on building underground structures or structures that will require deep foundation. • There may be portions of the section which may affect surface structures in areas where for instance bore holes will be done.⁵⁴
Will be any demolition activity for the project.	<ul style="list-style-type: none"> • There will be no demolition activity for those affected by the NSCR-Ex Project subterranean section. • Relocation/demolition activity may be necessary if it is found that structures will be affected by the surface portion of the project alignment.
Have indirectly affected persons been identified outside of the project area?	<ul style="list-style-type: none"> • The Resettlement Action Plan looks into the directly affected persons of the project. • However, both the directly and indirectly affected will be covered in the Environmental Impact Assessment (EIA). Land acquisition, resettlement and compensation will be covered by the RAP. • The Environmental-Impact-Assessment covers factors such as dust, noise pollution, etc. which also directly affect persons.

311. **Second Round of SCMs.** The second stakeholder consultation meeting for landowners was held on September 15, 2021. The meeting was conducted online to accommodate the APs preference. During the second round of consultation, the following were presented by the DOTr: (i) updates on the NSCR-Ex project, (ii) detailed design stage RAP activities, (iii) full compensation and entitlement for APs, (iv) land acquisition process, and (v) GRM mechanism through online discussion.

⁵⁴ Prior to construction, boreholes need to be made to test the soil underneath along the alignment. The boreholes may be located in established locations with uniform length of gap in between, but this gap can be adjusted if there are structures that are located on the intended locations. It is expected that main structures will be avoided.

312. A total of 24 APs from Taguig City attended the meeting of which 16 are female and 8 are male. Table VII-6 presents SCM details and the number of participants during the Second SCM.

Table VII-6: Number of Participants during the Second SCM for Affected Landowners

Mode of SCM	Date	LGU	Barangay	Participants	Male	Female	Total
Online	September 15, 2021	Taguig	Fort Bonifacio	24	8	16	24
TOTAL					8	16	24

313. Table VII-7 below presents the results of the Second SCMs held with affected landowners.

Table VII-7: Summary of Queries and Concerns raised and DOTr and Partners Response at the Second SCM for Affected Landowners

Queries/Comments/Suggestions/Concerns	Response to Queries
What will happen to the project affected renters?	<ul style="list-style-type: none"> There would not be any physical displacement of renters if the landowner would choose perpetual easement agreement. If the landowner is not amenable to the perpetual easement agreement, a second option is for the governments to purchase the property from the landowner. This will require moving out of all occupants in the land. Resettlement assistance will however be provided to qualified persons/households such as renters/lessees/rent-free occupants or RLRs- who will be displaced from their residences and source of income.

314. Photo documentation and attendance sheets of IEC sessions, and SCMs are in Appendices 2 and 3 found in Volume 3 of this RAP report.

315. Required Subterranean Easement Agreement

316. The Rapid Survey in the tunnel section was conducted on Nov 7, 2022 by the GCR RAP Land Acquisition Team. The survey results confirmed that there 14 private landowners (LOs) and LO-claimants. Out of these, only four (4) have proof of ownership (TCT), seven (7) have Certificate of Entitlement to Lot Allocation (CELA) holders, and the three (3) are land claimants.

Table VII-8: Rapid Survey Results on the Acceptance of Subterranean Easement Agreement for Private Landowners and Landowner-claimants

Ownership Type	Land Use	Response to Survey	Remarks
Landowner (w/ TCT)	Residential	Yes, to agreement with condition.	They wanted to know their workable depth for future development. For presentation of workable depth on the next meeting.
Landowner (with TCT)	Residential	Yes, agree with perpetual easement	
Landowner (with TCT)	Residential	Yes, agree with perpetual easement	
Landowner (with TCT)	Residential	Yes, agree with perpetual easement	
CELA Holder	Residential	Agree with perpetual easement	Wife's deceased. Husband provided the response.
CELA Holder	Residential	Agree with perpetual easement	
CELA Holder	Residential / Commercial	Agree with perpetual easement	
CELA Holder	Residential	Agree with perpetual easement	
CELA Holder	Residential	No response, uncooperative	
CELA Holder	Residential	Agree with perpetual easement	
CELA Holder	Residential	Agree with perpetual easement	Has the SPA and the representative of LO but could not provide the contact number of the LO CELA holder.
Claimant	Residential	Agree with perpetual easement.	
Claimant	Residential	Agree with perpetual easement	
Claimant	Residential	Agree with perpetual easement	

317. As per results of the rapid survey above, thirteen (13) out of 14 surveyed LO/LO-claimants agreed with a perpetual easement agreement on the use of their

underground property for the tunnel. The remaining one (1) has given a no response and was not willing to participate in the survey.

318. As for the government lot owners, there are eight (8) identified landowners under this RAP for Tunnel Section. Out of these, only two (2) were interviewed. The other government landowners asked for an official letter and explanation on the survey intention before they can present it to their principals for decision during the conduct of the rapid survey. Below table shows the results of the rapid survey.

Table VII-9: Rapid Survey Results on the Initial Acceptance of Easement Agreement by Government Landowners

Name of Agency	Land Use	Response to Survey	Remarks
Technological University of the Philippines Taguig (TUP)	Institutional	No response	Chief Admin Officer (CAO) Atty. Calingasan asked for the depth of the subway located in their property. He requested for the following: Project Plan/ Project Information/ Affected Properties (Exact), A draft of the contract/s for Questions 9.1 and 9.2 so that if they present it on their Board of Regents they can decide. Nov. 17 2022- Deadline for the requested Project Information/ Date and info on Depth and Affected Structures. Their Board Meeting is scheduled on 1st week of December.
Food Terminal Incorporated (FTI)	Commercial	No response	Survey will be presented to their lawyer. He asked for the MMSP Project Plan that includes the following: Description of the Project, FTI affected Areas including Structures, and Letter for appointment to the President. NOTE: All letters and Survey Questionnaires are all addressed to the President/ CEO.

319. For the government LOs, the IA will secure an easement agreement or a similar instrument, such as a Right of Way Usage Agreement (ROWUA), with the agency heads. In addition, any plan to improve and develop on the property within the tunnel section will be restricted by the Zoning regulations of Taguig City.
320. The LGU of Taguig has its Zoning restrictions on the project area which limits the use of land only for a low-rise density development. This means that only two-storey structures are allowed, any development and/or improvement on the land higher than two (2) storeys shall not be allowed by the City of Taguig.
321. As an option, DOTr can further secure an amendment to the Zoning Ordinance (ZO) of Taguig City to add and stipulate in the Zoning Ordinance that subterranean development by private and government LOs with a depth of more than five (5) meters or other identified depth, as deemed proper by competent authorities, from the ground surface level within the area of the tunnel section shall not be allowed.

CHAPTER VIII : LIVELIHOOD RESTORATION AND IMPROVEMENT PROGRAM

322. The livelihoods of the APs are not expected to be affected by the acquisition of subsurface area, unless the APs refuse the perpetual easement agreement of subterranean area which could result to physical and economic displacement at the surface area, which will be discussed in a DDR and in detail, if warranted, in an Addendum RAP or Updated RAP.

323. This chapter outlines the various measures that the Philippine Government will carry out to mitigate the impacts on income and livelihoods of the APs, if affected. This chapter also provides the framework for further planning and implementing a suitable Livelihood Restoration and Improvement Program (LRIP) in partnership with the Taguig LGU and other national government agencies.

324. Below are discussions on the methodology of LRIP surveys conducted for this RAP.

A. Methodology for Developing the LRIP

325. The baseline profile of APs was gathered through the conduct of Socio-Economic Survey (SES) and Focus Group Discussion (FGD). Training Needs Assessment (TNA), and livelihood workshops will have to be conducted among potential APs that are bound to be economically displaced, and results of which will be incorporated in the formulation of the LRIP. LGU-led consultation meetings with the APs will likewise be undertaken to ensure participation of APs in the LRIP. The following methodologies were or will be adopted in developing this LRIP:

1. Livelihood Surveys

326. SES where all of the affected households and business owners were targeted was conducted on both the landowners and renters, lessees, and rent-free occupants (RLRs) on the surface of the land traversed by the subterranean project alignment. The SES conducted in July to August 2021.

327. The survey was conducted using the household survey form for the affected households to understand their pre-resettlement livelihood condition and to define the resources available or needed in setting up goals to restore their current standards of living. Affected business owners were interviewed using the business and institution survey form, wherein information on the nature of the business, employee details, income, project perception and preferences for income restoration were gathered.

2. Focus Group Discussions

328. The conduct of focus group discussions (FGD) among AP's residing within the affected land covered by the tunnel section of the railway undertaking will also be an integral part in developing the LRIP. Discussions will be directed around major project concerns, expectations on employment and livelihood upon relocation, expectation of the government's role in implementation of employment and livelihood support, expected role of the private sector and awareness/attitude towards forming cooperative organizations.

3. Training Needs Assessment

329. The Training Needs Assessment (TNA) of APs is important to determine the skills that need to be improved and to ensure that the training resources reach the APs. Formal registration of APs' training preferences will take place at the start of LRIP implementation which will be obtained during the LRIP introduction workshop.

4. Key Informant Interview

330. Key Informant Interview (KII) was undertaken with government institutions like DTI, TESDA and DOLE. Aside from these government institutions, some private companies were also interviewed to determine the skills that are highly in demand in these areas.

B. Objectives of the LRIP

331. The primary objective of the LRIP is to assist APs whose livelihoods will be adversely affected directly by the project through restoration, or improvement of their income generating capacity to at least pre-needs levels. Households experiencing loss of productive resources or loss of employment because of the project-related displacement may face challenges in restoring their livelihood, income-generating capacity and living standards. Furthermore, for vulnerable households, the LRIP is an opportunity aimed at improving living standards through the provision of targeted support. It is important to note that this LRIP will only be applicable to people of the working age 18 years and above.

332. LRIP assistance will be in kind (e.g., training, guidance, equipment, etc.) and no money provided in lieu thereof. Compensation payments for physical and income losses are guided by the entitlements in the RAP and not in the scope of this LRIP. They will be provided by DOTr and follow the processes outlined in Chapter 5.

333. The livelihoods of the APs should they be physically displaced are expected to be affected in various ways. However, APs are expected to be able to restore their livelihoods after a temporary period of disruption or alternatively be able to re-establish their livelihoods utilizing compensation and assistance provided in the entitlement matrix with minimal assistance under the LRIP. The

wage-based APs who are expected to retain their employment or business operators who are marginally affected will be able to restore their source of income immediately compared to those who will lose employment or will be severely affected.

334. For vulnerable APs including the poor, elderly-headed household, solo parent and female headed households and Persons with Disabilities (PWD), will be assisted through the provision of opportunities under the LRIP.

C. Categories of APs with Affected Livelihoods Related to Entitlements, when truly affected

335. For this RAP for the Tunnel Section from Pasay to Taguig, the incidence of affected livelihoods and subsequent provision of related entitlements will occur if surface land acquisition is triggered due to refusal of LO of the offer of the IA for subterranean acquisition or if after an assessment, it was found out that the original economic purpose of the land will not be able to be retained by the LO. In terms of livelihoods, 8 businesses are bound to be affected, all of which are in the renting of residential and commercial space business. There are 9 of working age APs with no occupation. Aside from the businesses, there are also 9 vulnerable households 17 vulnerabilities. An estimated 20 wage-based workers who may opt to discontinue employment and find a job near relocation area are likewise covered by this LRIP, if truly affected.

336. APs whose income sources are affected by the project are entitled to various forms of compensation and assistance to enable them to re-establish their livelihood. For certain categories of livelihood impacts that may require more concerted interventions to restore or improve livelihood, additional assistance is provided under the LRIP. A summary of the categories of affected livelihood in this RAP, along with corresponding entitlements as per the project entitlement matrix, are presented in Table VIII-1.

Table VIII-1: Summary of APs with Affected Livelihoods and Related Entitlements, if surface land acquisition is opted

Category of AP	Number of APs	Summary of Key Entitlements	Additional LRIP Support Provided
APs with affected businesses/ livelihood	8 renting out house/ room/ commercial spaces	<ul style="list-style-type: none"> • Cash compensation for income losses and transactional cost for re-establishment. • Assistance in securing soft loan to restart business. • Participation in LRIP. • Rental assistance (3 months) if affected premises is leased (renting a business establishment). 	Yes

		<ul style="list-style-type: none"> • Transport assistance in moving to another location 	
Employees losing employment from affected business	None	<ul style="list-style-type: none"> • Cash compensation for net salary of four (4) months for minimum wage earners and two (2) months actual salary for those earning above minimum wage. • Participation in LRIP (including training and priority employment for project related employment) 	
Employees with primary wage-based income opting to discontinue jobs and find work near relocation site	20	<ul style="list-style-type: none"> • Cash compensation for net salary of four (4) months at minimum wage rate • Participation in LRIP (including training) 	Yes
Agricultural tenants and sharecroppers.	None	<ul style="list-style-type: none"> • Financial assistance equivalent to the average gross harvest for the last three years and not less than P 15,000 per hectare (EO 1035). • Participation in LRIP. 	
Landowners or lessees directly engaged in farming (agriculture).	None	<ul style="list-style-type: none"> • A disturbance compensation (equivalent to five times the average annual gross harvest) • Participation in LRIP. 	
Vulnerable: poor, elderly ⁵⁵ , and solo parent headed households with dependents, and PWDs.	9 households with 17 instances of vulnerability	<ul style="list-style-type: none"> • Participation in LRIP (including skill training and other development activities) • Inconvenience allowance of PhP10,000 each 	Yes

Source: JICA Design Team

337. A more detailed description and analysis of the categories of affected livelihood are presented in the following sections.

⁵⁵ Elderly who are interested in remunerated work.

1. APs with Affected Micro Businesses, if relocation is needed

338. Micro business is defined as any business that is engaged in production, processing, or manufacturing of products, including agro-processing as well as trading and services, with total assets of not more than PhP 3 million⁵⁶. However, due to lack of data on capitalization, micro businesses in this section were determined using substitute definition⁵⁷ that is any enterprise engaged in production, processing, or manufacturing of products, including agro-processing, as well as trading and services that operates: (i) in a stand-alone structure and is not associated with any household; or (ii) inside or contiguous to a dwelling unit, is duly registered, with 0 to 9 employees, and is owned/operated by a household head/member. Aside from micro-businesses, APs with home-based enterprises will also lose income upon displacement. Home-based enterprises are those that operate within or adjacent to a dwelling unit with no employees, nor any type of registration.

339. For all the 9 severely affected businesses, if surface land will be acquired, DOTr and SHFC will either provide a space within the relocation site to continue their livelihood or assist in finding an alternative commercial spaces where the APs may re-establish their operation within the LGU where they will be located. The number of affected stand-alone and renting out businesses is summarized in Table VIII-2.

Table VIII-2: Number of Businesses

Barangay	Stand Alone (micro)	Renting-out business	Home-Based (sari-sari store)	Total
Barangay Fort Bonifacio	0	8	1	9

Source: JICA Design Team

340. Of the total 8 renting out businesses identified, 7 are renting out house or room and 1 is in renting out commercial spaces. Table VIII-3 below shows the details:

Table VIII-3: Type Stand Alone Businesses Including Those Renting Out

Type of Business	No. of Business
Commercial Space/Unit Rental	1
House/Room Rental	7
Total	8

⁵⁶ Source: RA. 9178 Act of 2002

⁵⁷ Based from the MSME Sector at a glance. <https://www.senate.gov.PhPublications/AG%202012-03%20-%20MSME.pdf>. Retrieved in December 2019. Affected small, and medium business will be validated and finalized based on the definition in Section 3 of R.A. 9501.

2. APs with Affected Small, Medium and Large Business Establishments, if affected with finality

341. There are no small, medium and large businesses affected in this section of the project.

3. Employees Losing Employment from Affected Business, if applicable

342. There are no people who stand to lose employment due to the impact of the project on businesses. In cases that there would be disruption in business operations that may result in temporary or permanent loss of income for its employees, immediate provision of compensation for loss of income is required prior to temporary stoppage of operation of marginally affected businesses. Vocational training and job matching will also be offered to interested APs to equip them for employment opportunities generated by the project, and other job openings here and abroad. These employees will be identified and assisted through the RAP Implementation and Management Committee (RIMC) and LGU Public Employment Service Office (PESO) Office.

343. Further, in cases of employees losing employment due to impacts on their employers' businesses, they will be eligible for project entitlements. Those employees will be provided with income loss compensation equivalent to two months of their actual salary for those earning above minimum wage and four-months' salary for those earning within or below minimum wage, as well as additional assistance under the LRIP. Under the LRIP assistance, affected employees will be offered vocational training and job matching assistance through the LGUs and will be prioritized for project-related employment opportunities.

4. Affected Persons Relocating to a Place that Makes it More Expensive to Commute to their Place of Work and Retain their Employment, if found to be applicable

344. No APs identified for this category. However, in cases that there is physical displacement, and APs opt to continue working in their current places of employment after permanent relocation, commuting allowance shall be provided to them for the first three months to help them manage during this adjustment period. The extent to which household members who may spend more money for transportation going to their place of work will be determined before permanent relocation and will be evaluated if they will need transportation expense subsidy for the said first three months

5. Affected Persons Relocating to a Place that Makes Employment Inaccessible, if found to be applicable

345. In case of relocation, some employed APs may opt to discontinue their current employment if their current employment becomes inaccessible. In such cases, APs may opt to find new job in the place where they will be relocated instead of travelling longer hours to their current places of employment. The exact number of such APs will however be determined through validation survey before actual relocation.

346. DOTr in coordination with the receiving LGU-PESO will assist such APs that will either have to look for alternative work of similar nature with their current job within or adjacent to the LGU where these APs will be relocated. Those in the service industry, do office work, construction, and transport industry (drivers) are the top sources of wage-based incomes. Vocational training will be facilitated by the Project, and the Taguig LGU prior to displacement to equip them with or enhance their existing skills required in these jobs. Table VIII-4 shows the types of work of these employed APs as waged-based income earners.

Table VIII-4: Types of Wage-Based Income Sources

Type of Wage-based Work	Male	Female	Total	%
Construction works	1	0	1	5%
Drivers	1	0	1	5%
House help/Laborer	0	1	1	5%
Office works	2	2	4	20%
OFW/Sea farers/Sea-cased career	1	1	2	10%
Service Industry	8	3	11	55%
Total	13	7	20	100%
%	65%	35%	100%	

Source: JICA Design Team/DOTr

6. Vulnerable APs

347. The overall project objectives include creating opportunities for vulnerable affected persons to improve their living standards. Project entitlements for vulnerable LO households include participation in the LRIP, such as vocational skills and entrepreneurial training and job referral programs especially geared to vulnerable people. Amongst the project AHs, there are 17 counts of vulnerabilities among 9 households that fall within the project's definition of vulnerability. A summary of the project's vulnerable households is shown in Table VIII-5.

Table VIII-5: Number of Vulnerable APs

City	Number of	Number of
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	Vulnerabilities	Vulnerable Households
Taguig	17	9

348. APs who are classified in any of the vulnerabilities above are entitled to rehabilitation assistance in the form of vocational training and other development activities with the value of up to PhP 15,000 per household to be provided in coordination with the City Social Welfare and Development (CSWD) of LGUs through the RIMC (See Chapter 10).
349. Aside from APs losing income or livelihood, APs belonging to low-income households, of legal age (18 and above) and who will be physically displaced will also be provided with vocational training to help their families improve their income capacity and better support themselves during transition. Households needing support are/with, among others, low-income, unemployed housewives, children, elderly, and PWDs.
350. The common barrier to low wage income earners and to unemployed working age household members are the lack of a) legal identification including birth certificates that prevent them from accessing government programs and services, and b) quality trade skills and certification that can enable them to participate fully in the formal labor market.
351. As a direct incentive for the APs to participate in vocational and other capacity building trainings as well as in compliance to RA No. 11055 (Philippine Identification System Act), the CSWDO, SHFC and the PSA will assist them to obtain a) birth certificate and b) register them for the National ID. This will help them to easily access government services and programs and to be able to participate in the formal economy.
352. The Department of Labor and Employment, together with 18 other government agencies has also issued the guidelines for the First Time Jobseekers Assistance Act (RA 11261). This will help the APs who are first time jobseekers to get important documents and services for free. These are a) birth certificates from the Philippine Statistical Authority (PSA), academic transcripts from their schools or colleges/ universities, police clearance, NBI clearance, pre-employment medical certificates, etc.
353. These low-income households will also be provided with capacity building by civil and religious organizations to be tapped by LIAC and SHFC. This will enable them to tailor-fit their training and interventions according to the specific and unique needs of these households.

D. The LRIP Approach

354. Based on the above results and in consideration with the JICA Guidelines (2010) and ADB SPS (2009), the following priorities shape the

livelihood framework of this project. Please note that the LRIP will be revised in the event that the landowner does not agree with the Offer to Buy (OtB) of subterranean section of his land or upon assessment of Original Economic Purpose of the Land, surface land will be acquired.

1. LRIP Priorities

355. There are two priorities for this LRIP.

Priority 1: Restoration of Current Livelihoods, if affected

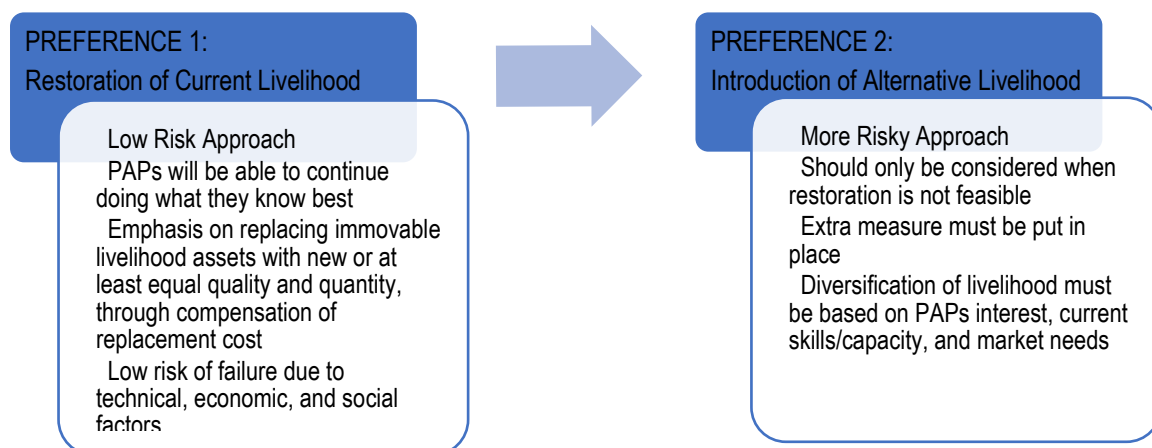
356. Where APs have existing viable livelihoods, the preferred approach is to restore these livelihoods where feasible. This is considered a lower-risk approach considering that the likelihood of success is high if the APs will be able to continue doing what they know best and what is proven to work in the local situation.

- The emphasis should be on replacing enabling conditions and livelihood assets with new assets of at least equal quality and quantity (i.e., immovable machineries). This represents a lower risk of failure due to technical, economic, or social factors.
- Many APs with affected livelihoods are expected to be able to re-establish their existing livelihoods and restore their income generating capacity with compensation and transitional assistance (including support to identify alternative sites as appropriate) without additional LRIP interventions.
- Some will require additional support to enable them to readjust their existing livelihoods to a new operating environment.
- Some will be required more targeted interventions within the LRIP, as they may face challenges to re-establishing current livelihoods, such as:
 - Suitability of new residential or business area to re-establish current livelihood
 - Time required to re-establish current livelihood with same income level (e.g., building up clientele)

Priority 2: Introduction of Alternative Livelihoods, if affected

357. Opportunities for alternative livelihoods will be provided to APs when restoration of their previous livelihood is not feasible or preferred by the AP, or to improve the households' income earning capacity.

- The promotion of alternative livelihoods will be geared towards providing APs the opportunity to diversify livelihood and improve household income (e.g., seasonal workers, minimum wage-earning households) based on AP interests, current skills set and/or capacities, and taking account of market needs/demands. It is also an opportunity for other family members to gain or improve vocational skills, thus diversifying and improving the household's overall income.
- Livelihood activities traditionally engaged in by women will be supported; but at the same time, livelihood programs that encourage men and women's participation in non-traditional undertakings will likewise be promoted (e.g., home-based jobs, e-commerce).



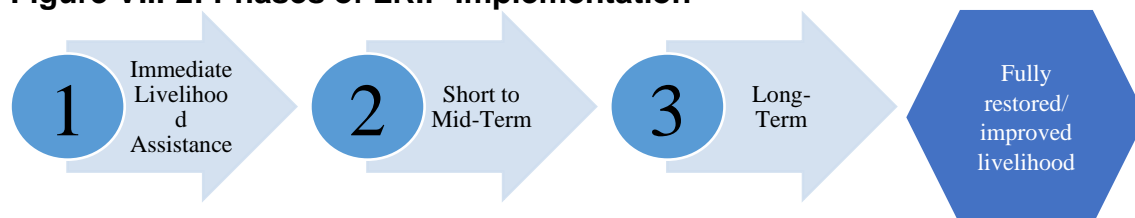
Source: JICA Design Team

Figure VIII-1: Preference for LRIP

2. Phases of LRIP Implementation

358. LRIP will be carried out in 3 phases. These are (1) Immediate Livelihood Assistance, (2) Short to Mid-Term, and (3) Long Term. If the landowner will not be relocated or business/income source is not affected by the project, due to agreement with subterranean acquisition for the project, only the provision of training will form part of the LRIP assistance.

Figure VIII-2: Phases of LRIP Implementation



359. In case of need to transfer business or loss of business, Phase 1 will commence prior to displacement of APs and civil works as a preemptive measure to avoid or at least minimize the period when the AP becomes unemployed/out of work or income. In case APs will be displaced before the permanent relocation site becomes available for occupancy, Phase 2 of LRIP will be implemented to assist APs during this interim stage. This phase will enable AP households to improve their entrepreneurial skills and diversify their income sources through vocation training and job placement. For some APs it will be the period in which they permanently re-establish their businesses or farming operations. However, for those that must await completion of resettlement sites or public rental facilities, setting up their enterprises may be a stopgap measure until final relocation. Phase 3 will be implemented upon transfer of APs to the permanent relocation site and will focus on those who need to seek final restoration of their affected enterprises or income sources,

as well as provide supplementary livelihood support to vulnerable APs as needed after they resettle. This is when the LRIP will be fully implemented.

Table VIII-6: Phases of LRIP Implementation

Phase	Type of LRIP	Timing of Assistance
Phase 1	Immediate Livelihood Assistance	Prior to displacement of APs and civil works, if to be displaced
Phase 2	Short to Mid-Term Livelihood Assistance	After displacement and prior to AP relocation to resettlement sites, if to be relocated
Phase 3	Long-Term Livelihood Restoration and Improvement	Post-resettlement, upon transfer to permanent relocation site, if to be transferred

Source: JICA Design Team

3. LRIP Activities

a. Overview

360. Various forms of LRIP assistance will be provided to participating APs, if affected, according to their level of entitlements, assessed needs and preferences as well as requirement for long or short-term interventions. Generally, those whose livelihoods are displaced and are relocating as well as those who are vulnerable are considered to more likely need longer term assistance.

361. The Table VIII-7 below summarizes APs targeted for assistance under the LRIP, key activities and anticipated phasing of the assistance (details of the activities are presented in following sections).

Table VIII-7: Summary of LRIP Approach and Activities by Phase and Category of AP, if affected

Category of AP		Pre-Displacement	Post- Displacement
Affected Businesses	Number	9 APs	9 APs
	Approach Summary	<ul style="list-style-type: none"> The 9 affected businesses will need assistance in finding alternative commercial area to permanently re-establish their business operations. 	
	Activities	Financial Management Training	Assistance to secure soft loans
		Assistance to find replacement sites to conduct business	
		Assistance to find alternative jobs through LGU PESO	Job referral
Wage-based income earners	Number	20 APs	20 APs
			Priority placement in project work

who opt to discontinue employment and look for job near relocation site	Approach Summary	<ul style="list-style-type: none"> Assist workers discontinuing employment to find alternative job near relocation site Facilitate training for new skills needed immediately after displacement 	
	Activities	Vocational skills training Assistance to find alternative jobs near relocation site thru LGU PESO	Starter kits Job referral
Vulnerable APs	Number	9 AHs	9 AHs
	Approach Summary	The LRIP will assist vulnerable APs to improve their income earning capacity through vocational/enterprise development training. There are some specialist programs geared towards some vulnerable categories. This will be combined with starter kits for some types of vocation and job referral. Depending on their circumstances, APs may avail of training during pre- or post-resettlement.	
	Activities	Financial management training	Starter kits
		Vocational/ enterprise training / specialist programs geared toward vulnerable APs	Job referral
			Priority placement in project work

E. Description of Types of Livelihood Restoration and Improvement Activities

362. The different types of livelihood assistance are explained in this section.

1. LRIP Introduction Workshop

363. The LRIP will commence with a workshop to introduce the program to eligible APs in each municipality prior to displacement. The workshop will be conducted by DOTr with participation of the LGU PESO and service providers. It will provide information about the various programs, how the project will engage with APs on livelihood restoration and improvement, introduce contact person for livelihood in the LGU and service providers, and give an initial opportunity for APs to register their interest in various activities and means of support.

2. Financial Management Training

364. Prior to displacement, APs will receive compensation for lost assets, lost income, and allowances as per the entitlement matrix to replace what has been lost. For most, this will represent the monetization of assets they have

accumulated over many years. The training is aimed at raising their awareness of the importance of preserving their capital and reinvesting prudently to restore their livelihoods and living standards. Financial advice will help improve their capabilities on money management matters, including financial planning; investment options; training, employment, and business development.

365. The training will be provided prior to disbursement of compensation and allowances for all Table VIII-8 affected households. This is a one-day training to be attended by the household head and their spouse to encourage equal participation of the couple in the decision making, particularly with regards to finances. One batch of training will be conducted in each LGU within the communities or in the nearest area. The training will be delivered by PESO. The below provides an overview of the topics to be covered in the training.

Table VIII-8: Financial Management Training

Topics	Description	Target Participants	Training Duration	Target Schedule
Financial planning	<ul style="list-style-type: none"> Setting financial goals Organizing finances 	AH Head AH spouse	1 day	Weekend or Holiday (At least 3 weeks prior to compensation payments / displacement)
Money/cash management	<ul style="list-style-type: none"> Spending plans Saving money Establishing credit Debt repayment 		1 day	
Investment options	<ul style="list-style-type: none"> Short-term investments Long-term investments 		1 day	

3. Assistance to Find Alternative Site to Continue Business, if needed to relocate

366. The process to re-establish businesses will commence prior to displacement with assistance to identify and secure replacement business operating sites. The aim is for displaced stand-alone micro-businesses and small businesses to re-commence their operations with minimal disruption to the APs' income flow. The processes will be different for micro-businesses and small businesses due to different scale of operation.

367. There will be a consultation meeting with affected land-based income earners and displaced businesses soon after the introductory workshop to discuss possible and recommended replacement land or rental space within their respective cities and adjacent cities before displacement. An ocular visit with APs will be organized to inspect the recommended areas whether suited for business or not. APs will be given the opportunity to select and identify

suitable land for their businesses. Afterwards, the government agencies will guide the APs on how to secure identified areas for business purposes. The process flow and implementation step for securing replacement land or rental space to reestablish the businesses are shown in Table VIII-9 below.

Table VIII-9: Implementation Step for Replacement Land or Rental Space to Re-establish Business

No.	Step / Action	Description	Responsible Agency
1	1st consultation meeting	Discuss with affected business owners the possible and recommended replacement land or rental space within the city / municipality	DOTr, LGU
2	Ocular visit	Inspect the recommended areas whether suited for business or not	DOTr, LGU
3	2nd consultation meeting	Select and identify suitable land for their businesses	DOTr, LGU
4	Secure land/replacement rental space for business purposes	Assist APs in negotiating and securing the identified land/rental space for reestablishing their businesses and public facilities/amenities	DOTr, LGU

Source: JICA Design Team

4. Assistance to Secure Government Soft Loans

368. There are four types of soft loans for which APs can apply for livelihood purposes provided by DTI, DSWD. Soft loans ranging from PhP 5,000 to PhP 200,000, depending on the loan type.

369. The soft loan under Pondo sa Pagbabago at Pag-asenso (P3) Program is up to PhP 200,000 and the Livelihood Seeding Program (LSP) amounts to PhP 5,000 worth of goods, while DSWD provides PhP 5,000 per beneficiary.

370. DOTr and the LGU will counsel APs on available loans and assist them to prepare applications with a supporting letter from the LGU. The application process can commence prior to displacement so APs can take advantage of using the funds when they transfer their affected enterprises/farms. Other APs may wish to apply for such loans upon completion of vocational/entrepreneurial training or when they have a viable business plan. The loan programs available are summarized in Table VIII-10.

Table VIII-10: Loan Assistance

Programs	Description	Agencies
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Pondo sa Pagbabago at Pag-asenso (P3) Program	<ul style="list-style-type: none"> • A microenterprise borrower may avail PhP 5,000 up to PhP 200,000 depending on the size of the business and the enterprise's ability to pay. • For enterprises with at least one employee, beneficiary can borrow up to PhP 200,000. • The fund should be used for the enterprise's expansion and/or additional supplies of the business or for self-rehabilitation. • Provides affordable and cost-efficient micro loans with 2.5% monthly interest. 	DTI
Livelihood Seeding Program	PhP 5,000 worth of goods sari-sari store, bigasan (rice store), rug making, etc.	DTI
Loan Assistance Program for Small and Medium businesses	PhP 5,000 per beneficiary	DSWD

5. Vocational/ Enterprise Training

a. Vocational Training

371. There will be a wide variety of vocational training courses as well as several entrepreneurial training short courses available to APs. The bulk of these are provided through TESDA with some programs also being delivered through other agencies such as DTI. These training programs will provide opportunities for APs to enhance their existing skills and develop new skills to be highly competent in attaining required qualifications for a range of jobs. PESO of respected LGUs will be responsible for the information dissemination through LRIP workshop to introduce the offered courses for the APs.

372. Table below shows the training courses offered by their respective PESO office as of 2021.

Table VIII-11: Training Courses Offered by Taguig LGU PESO as of 2021

City	Training Courses offered by PESO	
Taguig	<ul style="list-style-type: none"> • Android Development • Bookkeeping • Bread and Pastry • Catering, Food and Beverage Service • Graphic Design • Photography 	<ul style="list-style-type: none"> • Programming (Java & Python) • Web Development • Wood Technology • Coffee Making Apprenticeship • 2D and 3D Animation

373. TESDA is under the DOLE and serves as the Philippines' technical vocational education and training authority and operates through a network of training centers and partnerships with service providers. TESDA short courses typically involve a commitment of 25-40 days (196-316 hours) of face-to-face

training spread over two to six months. A pre-training assessment will be offered that involves career profiling and an evaluation of the applicant's ability to undertake the nominated course. The courses are delivered through TESDA training centers, accredited partners, and in partnership with LGU PESO. Various courses are also provided through mobile programs. Depending on the demand, TESDA provides training programs within Taguig City.

374. Table VIII-12 below are some of the available TESDA courses related to construction. Construction related skills are in demand in the labor market and are relevant to those interested in project-related work opportunities.

Table VIII-12: List of Sample TESDA Courses

Construction Sector Courses	Training Hours
Blasting/Painting	136 hours
Building Wiring Installation NC II	402 hours
Carpentry NC II/III	162/364 hours
Electrical Installation & Maintenance NC II	402 hours
Lathe Machine Operation NC III	234 hours
Machining Milling Operation NC II	337 hours
Construction Painting NC II	136 hours
Welding	
Flux Cored Arc Welding NC I/II	156/268 hours
Gas Metal Arc Welding NC I/II/III	248/268/148 hours
Gas Tungsten Arc Welding NC II	268 hours
Gas Welding NC I/II	156/312 hours
Welding and Fabrication Technology (Bundled Qualifications in Shielded Metal Arc Welding (SMAW) NC I (268 hours), Shielded Metal Arc Welding (SMAW) NC II (268 hours), Gas Metal Arc Welding (GTAW) NC II (268 hours)	268 hours
Shielded Metal Arc Welding (SMAW) NC I/II/III	268/268/120 hours
Masonry NC I/II/III	104/258/364 hours
Pipe Insulation	160 hours
Pipefitting NC II	42 hours
Plumbing NC I/II/III	128/202/248 hours
Wood Working Machine Operation	162 hours
Heavy Equipment Operation (dump truck, backhoe, crane, excavator, rigging, road roller) NCII	122/156/200 hours
Scaffold Erection NC II	162 hours
Sample General Courses	
Cookery NC II	316 hours
Bread & Pastry NC II	141 hours
Food Processing NC II	568 hours

Consumer Electronics Servicing NC II	438 hours
Maintain and Repair Electronically Controlled Domestic Appliances	438 hours
Maintain and Repair Cellular Phones	176 hours
Assembly/disassemble Electronic Products & System	264 hours
Maintain and Repair Audio/Video Products & System	438 hours

b. Entrepreneurial Training

375. Entrepreneurial development programs are provided by DOLE, DTI, and DSWD to assist people to start micro-enterprises and small businesses or improve their skills in those areas. These programs are especially geared towards vulnerable people (below the poverty line, solo parent households and PWDs), but will also be extended to APs eligible for LRIP assistance. These are short courses typically run over several days. An overview of these programs is set out in Table VIII-13 below.

Table VIII-13: Entrepreneurial Training

Agency	Type of Program	Training and Development
DOLE	DOLE Integrated Livelihood Program (DILP) or Kabuhayan Program	Training on how to plan, set-up, start and operate their livelihood undertaking i.e., trainings on production skills, entrepreneurship, business management, productivity, and business planning. Continuing technical and business advisory services to ensure efficiency, productivity, and sustainability of the business/enterprise.
DTI	The Negosyo Center Program (Republic Act No. 10644 otherwise known as the "Go Negosyo Act")	Training on entrepreneurial development Training on basic grant writing
DSWD / CSWD	Sustainable Livelihood Program	
	Microenterprise Development Track	Training on micro-enterprise development, skills enhancement, and networking and partnership building
	Employment Facilitation Track	Technical skills training, occupational guidance and counseling, and job referrals or placement

6. Provision of Starter Kits

376. Some vocational training includes the provision of starter kits, but not all. For training with this added provision, starter kits will be in kind and in the form of supplies and material inputs necessary to undertake the vocational training and start with livelihood activities. DTI and DOLE have programs providing starter kits as part of the livelihood training that will be extended to APs who are eligible for LRIP assistance.

7. Job Matching and Project Related Employment Opportunities

377. Based on the outcomes of the SES and FGDs, there are different categories of APs that may wish to avail of job matching and project related employment. For instance, wage-based earning APs expressed that they would like to be given the opportunity to be employed near resettlement sites, while micro-business/enterprise-based earning APs prefer regular paying jobs as an alternative to their lost enterprises. Additionally, there are APs who are in their working age but are currently unemployed due to a lack of opportunities. Other APs stressed that being directly impacted by the project, they should be given preferential treatment in availing of job and investment opportunities during construction and operations.

378. The PESO is an existing ongoing service provided by LGUs. The PESO maintains a database of current employment opportunities and match local job seekers based on their skill set. For the LRIP, the PESO of respective LGUs will maintain a registry of APs seeking employment and will provide counselling, guidance on further training as well as job referral against their database of job vacancies. The PESO database of AP clients will enable project tracking of APs seeking employment.

8. The Project

379. The project is set to generate job opportunities during civil works up to operations and maintenance. Under national law, public works projects are to ensure that at least 30% of skilled jobs and 50% of unskilled jobs are filled by local hire.⁵⁸ A list of the anticipated jobs to be created by the project are listed below.

Table VIII-14: Anticipated Project Related Employment Opportunities

Skilled		Semi-skilled	Unskilled
<ul style="list-style-type: none"> • Electricians • Plumber • Mason • Carpenters • Equipment Operator - Backhoe - Bulldozer - Transit mixer 	<ul style="list-style-type: none"> • Scaffolders • Welder • Painter • Steelman • Tinsmith • Admin Staff 	<ul style="list-style-type: none"> • Cook • Traffic controller/traffic aid • Guard 	<ul style="list-style-type: none"> • Laborer • Janitor/ utility • Messenger • Warehouseman

380. Jobs that are in the skilled category require extensive training and likely outside the ability of APs to aspire to if they are not already working in that field. Jobs in the semi-skilled category require training that could be provided over

⁵⁸ Required under RA 6685. Department of Labor and Employment is responsible for monitoring compliance.

several months through TESDA's programs and equip APs to be able to apply for such work generated by the project. Jobs in the unskilled category would generally require suitable aptitude with training to be provided on the job. The LGU will provide supporting referral and endorsements of suitably qualified APs for project-related work.

9. Private Companies

381. Table below shows employment opportunities in private sector.

Table VIII-15: Employment Opportunities in Private Sector

Services Sector	
<ul style="list-style-type: none"> • Animators Video • Bookkeeper • Computer-Aided Design and Manufacturing (CAD/CAM) Operator • Call Center Agents (Both voice and non-voice) • Computer Systems Service Personnel/Technician • Customer Service Representative 	<ul style="list-style-type: none"> • Encoder • Graphic Artists (including Video Graphic Artist) • Marketing Telemarketer • Medical Transcriptionist • Programmer • Software Developers • Technical Draftsman
Manufacturing Subsector (Food and Electronic)	
<ul style="list-style-type: none"> • Automotive Mechanic • Automotive Painter • Automotive Servicing for Hybrid Vehicles (Hybrid Specialist) • CAD/CAM Operator • Carpenter • Computer Numerical Control (CNC) Operator • Deburring Technician (for deburring operations) • Dressmaker • Driver • Electrician • Electronics Equipment Assembler • Food Processor • Instrumentation and Calibration Technician • Machine Mechanic 	<ul style="list-style-type: none"> • Machine Operators & Assembler • Metal Casters • Molders (for metal products) / CNC Machinist Molders (for plastics) • Motorcycle Operator • Motorcycle Technician • Plant/Machine Operator and Assembler • Smart Press Machine Operator • Repairman • Tailor • Technician • Service Technician • Supervisory Control and Data Acquisition (SCADA) Operator • Upholsterer • Weaver • Welder

10. Construction and Manpower Development Foundation

382. The Construction and Manpower Development Foundation (CMDF) supports the construction industry by providing capacity building and training programs for its workforce. DOTr will tap the assistance of CMDF in linking APs for employment to the Jobs! Jobs! Jobs! Program in connection with the Build! Build! Build Program of the current administration.

11. Philippine Overseas Employment Administration (POEA)

383. The Philippine Overseas Employment Administration (POEA) aid overseas workers and promotes overseas employment for Filipinos. For the project, they will conduct the following:

- Conduct job fairs for overseas employment opportunities.
- Provide lists of employment opportunities abroad that can cater to the type of available skills and skills training completed by APs; and
- Provide data and documents as may be needed by the external monitoring agent during project monitoring and evaluation.

F. Implementation Arrangements

384. The implementation of LRIP requires coordinated inputs of technical specialists from national and local government agencies supervised by the DOTr as program implementer. Central to DOTr's role is ensuring that all the national and local government agencies work together harmoniously in implementing the LRIP, which is underpinned by their existing programs, services, and resources.

385. A special body which will focus on the environmental and social concerns will be created within the PMO to implement (in coordination with the Livelihood Committee) this LRIP. The Livelihood Committee of the RIMC (See Chapter 10) will be composed of representatives from DOTr, local representatives from other concerned government agencies and concerned LGU offices that have technical expertise, network, resources and programs on enterprise development, local and international employment, provision of soft loan, and skills training.

386. The responsibility in making available the required additional resources and support to enhance other agencies and LGU capacities to carry out the LRIP in their respective cities/municipalities will be shouldered by DOTr. Monitoring and evaluation of the program implementation will also be among DOTr's core responsibilities to ensure that all partners adhere to their agreed commitments.

387. DOTr will be responsible for making available the required additional resources and support to enhance other agencies and LGU capacities to carry out the LRIP in their respective cities. Monitoring and evaluation of the program implementation will also be among DOTr's core responsibilities to ensure that all partners adhere to their agreed commitments. The roles and responsibilities of the various agencies involved in the LRIP implementation are summarized in the Table VIII-16 below.

Table VIII-16: Summary of Roles and Responsibilities of Concerned Agencies

Agency	Responsibilities
DOTr	<ul style="list-style-type: none">• Establish master list of eligible APs for LRIP.• Ensure sufficient and timely budget for LRIP implementation.• Organize and conduct LRIP introductory workshop and

	<p>subsequent consultation meetings.</p> <ul style="list-style-type: none"> • Arrange participation of service providers and resource persons in consultation and training meetings. • Carry-out more detailed consultations with APs to present specific livelihood restoration and improvement programs and explain the procedures for availing support. • Monitor program implementation and AP participation. • Coordinate participation of government agencies in provision of training services, including through formal agreements as required. • Procure service providers for specialized courses. • Coordinate with the Contractor and the LGU. • Issue certification to APs that they are eligible project affected LRIP beneficiaries. • Share list of project-affected persons to LGU, TESDA and DOLE for verification of training participants entitled to (1) training allowance and (2) income loss compensation (at the duration of training). • Endorse list of qualified and skilled APs to Contractors to be prioritized for hiring. • Monitor LRIP implementation and track AP participation. • Review effectiveness of the LRIP program and modify the program as needed to meet its stated objectives. • Coordinate with the private companies and the LGU. • All other necessary activities to implement the LRIP.
LGU	<ul style="list-style-type: none"> • Respective LGUs will play a critical role in LRIP implementation. Many of the tasks are closely related to their existing work for the residents within their jurisdiction. Specific responsibilities of the LGUs with respect to LRIP implementation include: • Assistance to identify replacement land and operating space for businesses. • Maintain list of eligible APs interested in job referral and vocational/entrepreneurial training. • Provide focal point to coordinate livelihood assistance. • Together with DOTr, engage service provider agencies to locally deliver training courses based on APs' needs and demand. • Inform the APs about training and job opportunities. • Carry-out skills-job matching.
Contractor	<ul style="list-style-type: none"> • Provide the list of jobs and required skills to DOTr and LGU. • Hire residents as required by law.
TESDA	<ul style="list-style-type: none"> • Provide trainers and training facilities and include APs in training courses. • Verify eligible AP participants against list provided by DOTr. Report to DOTr on AP participation in training.
DOLE	<ul style="list-style-type: none"> • Organize job fairs at each LGU.

	<ul style="list-style-type: none"> • Provide Kabuhayan Starter Kits⁵⁹ which include skills training and necessary tools to enable APs to quickly start livelihood activities and become self-employed in areas such as massage, plumbing, cosmetology, electrical servicing, welding, native snack preparation, car wash, motorcycle repair, cellphone repair, appliance repair and upholstery. • Monitor the minimum local hire quota for public works project based on RA 6685
DTI	<ul style="list-style-type: none"> • Provide start-up kits (i.e., sari-sari store, baking) • Provide information and services in training, financing, and marketing. • Provide soft loans for enterprise-based APs.
DSWD/CSWD	<ul style="list-style-type: none"> • Provide support on micro-enterprise development, skills enhancement, networking, and partnership building. • Assist to provide technical skills training, occupational guidance and counseling, and job referrals or placement.
Cooperative Development Authority (CDA)	<ul style="list-style-type: none"> • Support in the formation of cooperatives. • Conduct management and training programs upon request of cooperatives that will provide members of cooperatives with the entrepreneurial capabilities, managerial expertise, and technical skills.

G. LRIP Budget Estimate, if needed

388. The estimated LRIP budget is **PhP1,233,754.50, if displacement will occur**. This comprises funds for vocational training (or similar). If the budget for training will not be sufficient to accommodate all eligible APs, DOTr will allocate additional funds for such.

Table VIII-17: Estimated LRIP Budget

Activity	No. of Estimated Participants	Unit Cost (PHP)	Frequency	Total (PhP)
For Entrepreneurs Who Rent Out Housing, and Commercial Spaces				
Alternative enterprise/livelihood training with starter kits	8	15,000.00	1 training	120,000.00
Transportation allowance during enterprise/livelihood training	8	100.00	35 days	28,000.00
Physical transfer to business space, if needed to relocate	8	2,100.00	1 day	16,800.00
Rental subsidy for an alternative livelihood space prior to transfer to the relocation site, if needed to relocate	8	7,000.00	3 months	168,000.00

⁵⁹ Source:

[http://ro6.dole.gov.ph/fndr/mis/files/Kabuhayan%20Starter%20Kits%20\(Livelihood%20Formation\).pdf](http://ro6.dole.gov.ph/fndr/mis/files/Kabuhayan%20Starter%20Kits%20(Livelihood%20Formation).pdf)

Transactional cost for setting up an alternative business for entrepreneurs who rent out houses, if needed	8	6,000.00	1 time	48,000.00
Sub-total (a)				380,800.00
For wage-based income earners who relocate to a place that makes former wage-based livelihood opportunities inaccessible and as a result need to find new employment or source of livelihood				
Livelihood skills training with starter kits	20	15,000.00	1 training	300,000.00
Transportation allowance during enterprise/livelihood training	20	100.00	35 days	70,000.00
Cost of pre-employment required documentation	20	2,000.00	1 time	40,000.00
Sub-total (b)				410,000.00
For Vulnerable APs				
Job/Livelihood skills training with starter kits	9	15,000.00	1 training	135,000.00
Transportation allowance during enterprise/livelihood training	9	100.00	35 days	31,500.00
Cost of pre-employment required documentation	9	2,000.00	1 time	18,000.00
Sub-total (c)				184,500.00
Sum (f=a+b+c)				975,300.00
Contingency (g=fx15%)				146,295.00
Total Direct Costs (h=f+g)				1,121,595.00
LGU Management Fee (i=hx10%)				112,159.50
Grand Total Estimated LRIP Budget (h+i)				1,233,754.50

CHAPTER IX : GRIEVANCE REDRESS MECHANISM

389. The grievance redress mechanism (GRM) is a platform for the Department of Transportation (DOTr) to engage constructively and productively with affected persons, communities, and stakeholder groups. The GRM will address concerns pertaining to the project and its impacts on affected people, and the environment.

A. Scope and Objective

390. For this RAP, grievances refer to any concerns, issues, or conflicts resulting from involuntary resettlement or the RAP implementation. They may include issues on the compensation for various types of APs, application of eligibility criteria for compensation and entitlements, relocation of non-landowner APs, reduced income, or quality of services at a relocation site.

391. The GRM has the following objectives:

- To receive concerns and grievances of APs regarding physical and economic displacement and other project impacts and facilitate their resolution with particular attention to impacts on vulnerable groups;
- To resolve their concerns and grievances which cannot be settled through collective platforms such as stakeholder consultations due to the complexity of the concerns or grievances and/or the absence of a platform at the time when the cause for grievances occurs; and
- To address their concerns and complaints promptly, using an understandable and transparent process that is gender-responsive, culturally appropriate, and readily accessible to the country's judicial or administrative remedies commensurate to risks and adverse impacts of the project.

B. Principles Guiding the Grievance Redress Mechanism

392. The implementation of the GRM is anchored on the following principles:

- (i) To keep the complainants' details confidential;
- (ii) To explain about the relevant procedure and present cases in understandable language for APs;
- (iii) To provide a transparent, gender-responsive, and culturally appropriate grievance procedure;
- (iv) To enable the GRM to be readily accessible to APs at no cost and without retribution; and
- (v) To resolve grievances expeditiously at all times at the lowest level possible.

393. APs were informed about the GRM during Stakeholder Consultation Meetings (SCM). The DOTr has set up Local Help Desks in each LGU and a new eGRM Portal and new SMS number that replaced the previous Hotline to address APs' concerns. The design, scope, and functions of the GRM will be reviewed periodically to ensure that it is fit for the purpose as the project transitions from one phase to the next.

C. Grievance Redress Mechanism Team of the Department of Transportation

394. DOTr has assigned dedicated Grievance (GR) officers for the project whose tasks and responsibilities are focused entirely on the GRM. There are GR officers assigned to the Local GRM Team at each LGU's Help Desk and the Central GRM Team assigned at the North-South Commuter Railway Project Management Office (NSCR PMO) of the DOTr's Office of the Undersecretary for Railways. Roles and responsibilities as well as the composition of the team are described in the following sections.

1. Local Grievance Redress Mechanism Team

395. The Local GRM Team is assigned to a specific city/municipality affected by the project and is composed of trained GR officers who are LGU representatives. The GR officers serve as the first contact point for APs and receive grievances raised from their LGU.

a. Roles and Responsibilities

- (ii) To receive, monitor, and track grievance cases across all levels raised from their assigned LGU, so that the grievances are addressed in a timely manner;
- (iii) If some cases are beyond the Local GRM Team's capacity to deal with, endorse them to a technical person or committee authorized to decide a necessary action for the cases;
- (iv) To log all the grievances raised from the LGU concerned in the GRM database and monitor the cases throughout the process until they are closed.
- (v) To provide updates using communication tools preferred by APs on the status and resolution of grievances in a timely manner; and
- (vi) To provide information and support to APs on project-related resettlement and land acquisition activities including assistance for APs in completing required documents and provision of other required support.

b. Staff Composition

- (i) The Local GRM Team consists of LGU representatives:
- (ii) DOTr's local GR officers who are responsible for answering inquiries, explaining project-related issues, and tracking and keeping records of submitted and required documents.
- (iii) LGU representatives are responsible for answering inquiries and explaining about project-related issues. They assist APs in securing LGU-related documents and accessing data from LGU offices when needed.

2. Central Grievance Redress Mechanism Team

396. The Central GRM Team is in charge of grievances channeled through the DOTr's central office (i.e., eGRM Portal, e-mail, SMS, and letter) and

responsible for the receipt, acknowledgement, and registry of grievances as well as eligibility assessment.

a. Roles and Responsibilities

- (i) To conduct overall monitoring and tracking of grievance cases across all levels dealt with by the Local and Central GRM Teams, so that the grievances are addressed properly and promptly;
- (ii) To respond to all grievances received via central hotline;
- (iii) To log in, manage, and maintain the eGRM Portal for all grievances and the corresponding actions and decisions;
- (iv) To act as a eGRM Portal manager;
- (v) To provide updates via communication tools preferred by APs on the status and resolution of grievances in a timely manner (for cases which do not fall within the responsibility of the Local GRM Team);
- (vi) To provide information and support to APs on project-related grievances, particularly issues on land acquisition, resettlement, and the livelihood restoration improvement and program (LRIP);
- (vii) To prepare input for quarterly monitoring reports submitted to the Asian Development Bank (ADB) and the Japan International Cooperation Agency (JICA) regarding the status of grievances;
- (viii) To conduct capacity-building training for local GR officers to improve relevant skills and knowledge and familiarize themselves with tools, equipment, and other resources needed to implement the GRM;
- (ix) To provide inputs as requested for internal and external monitoring activities; and
- (x) To maintain and update the GRM manual regularly to improve GRM operation.

b. Staff Composition

- (i) DOTr's GRM Manager – responsible for managing the GRM Team and ensuring the GRM Team functions efficiently.
- (ii) DOTr's central GR officers – responsible for promoting all GRM operations, tracking and keeping records of submitted and required/outstanding documents, and conducting GRM Monitoring and Evaluation (M&E).
- (iii) NSCR PMO's resettlement/land acquisition experts – responsible for answering and explaining issues related to the contents of the RAP, including questions on entitlements and legal procedures (e.g., Extra Judicial Settlement (EJS) cases, mortgage properties, and land registration).
- (iv) NSCR PMO's land acquisition engineers – responsible for answering/explaining issues related to the engineering design, Project Right-of-Way (PROW), alignment, affected properties, severity of impacts to properties, and all engineering-related concerns.
- (v) NSCR PMO's environment officers – responsible for answering and explaining issues related to health, safety, and environment issues of the project.

D. Levels of the Grievance Redress Mechanism

397. There are three levels of the GRM for handling grievances of APs. The Local/Central GRM Teams serve as the first contact point for APs in case that a grievance is submitted through the Help Desk or the eGRM Portal. Table IX-1 summarizes the three levels of the GRM.

Table IX-1: Levels of the Grievance Redress Mechanism

Level	Institution
1st Level	Local help desk (Local GRM Team)/eGRM Portal (Central GRM Team)
2nd Level	RAP Implementation and Management Committee (RIMC)/Local Inter-agency Committee (LIAC) or Local Housing Board (LHB)
3rd Level	Project Inter-agency Committee (PIAC)
APs may seek redress through the court system at any time.	

Source: JDT and DOTr

1. Level 1–Local Help Desk or Central Help Desk

398. There are two ways for APs to raise grievances, which are Help Desks set up at each LGU and the eGRM Portal.
399. The Help Desk (physical office) is the first contact point for APs in the GRM and a venue for raising issues, concerns, and questions related to the project. Help Desks have been set up at each LGU and staffed with Local GR officers. The Help Desk operates at least once a week. Depending on demands, it will operate more frequently, especially during the period of the issuance of Notice of Taking (NoT) and during relocation. On days when the Local Help Desk is not operating, APs may use the website to lodge their concerns/complaints through the eGRM Portal and/or e-mail of the DOTr.
400. In addition to the Help Desk, APs can also reach the DOTr through its eGRM Portal. Central GR officers answer calls and respond to texts / Short Message Service (SMS) messages from 8:00 a.m. to 5:00 p.m. from Monday to Friday as well as receive grievances and enquiries via e-mail and letter.
401. When receiving a grievance, Local/Central GR officers will determine (i) if the complaint is project-related or not; (ii) if the complainant is a AP; and (iii) if the nature of the issue is environmental or social. As part of basic policies for the GRM, a grievance will be resolved expeditiously at the lowest level possible. However, the issue or concern is elevated to the next level (i) if it is not settled at the lowest level, (ii) if the complainant is not satisfied with the action taken, or (iii) the case is not acted upon within 15 days upon receipt of grievances.
402. The workflow of the Local and Central GRM Teams respectively through the local help desk and eGRM Portal is described as below:
- To receive complaints via SMS, email, letter, and website through the eGRM Portal from APs;
 - To record grievances when the eGRM is down, a grievance action form (GAF) is used which will provide APs with a control number. The control

number enables local or central GR officers to track complaints from the central database and explain in the relevant information or process to APs including the persons in charge for complaints;

- To clarify whether the nature of the complaints is project-related or not. If the complaints are not project-related, the Local/Central GRM Teams will forward the complaints to an appropriate agency or LGU which can act on the complaints. If the concerns are beyond the local help desk's capacity for resolution, it will forward the cases to the second level of the GRM;
- To research project-related issues and promptly provide APs with answers, clarifications, or solutions (if the concerns need further actions or solutions);
- To monitor and follow up on the actions taken including site visits if applicable and/or needed;
- To forward unresolved grievances from APs to the higher levels of the GRM;
- To receive the resolution made by the higher levels of the GRM;
- To inform APs on the resolution made by the higher levels of the GRM; and then
- To close the cases when the actions or resolutions to address the complaints are taken.

2. Level 2–Resettlement Action Plan Implementation and Management Committee, Local Inter-Agency Committee or Local Housing Board

403. The Local GRM Team forwards the unresolved grievance at the 1st level to the RAP Implementation and Management Committee (RIMC), the Right-of-Way and Site Acquisition (ROWSA) Committee, or the DOTr's Legal Department. For non-landowner claimants' concerns, the RIMC may choose to delegate the resolution of grievances to the Local Inter-Agency Committee (LIAC). The team (i) informs APs that the concern was referred to the RIMC and provides the details of the designated focal points (names, contact numbers, and office addresses) and (ii) advises APs that they have an option to engage the RIMC for a decide-together option. Under the decide-together option, the RIMC and aggrieved stakeholders share decision-making authority and jointly undertake problem solving.

a. RAP Implementation and Management Committee

404. The RIMC accepts concerns from APs. As the 2nd level of the GRM, the RIMC has the following roles and responsibilities:

- (i) To address the unresolved grievances of legal APs forwarded by the Local GRM Team;
- (ii) To decide on a course of action for each complaint within 15 working days once complaints are filed by the Local GRM Team; or
- (iii) If APs opt for the decide-together option, the RIMC together with APs will decide on a course of action for each complaint within 20 working days once complaints are received. The option entails conducting a dialogue, joint brainstorming, joint investigation, or other appropriate approaches to enable the engagement of the responsible committee and APs, which is followed by joint development of resolutions and actions together with APs;
- (iv) To forward recommended actions or solutions to the Local GRM Team; and

- (v) To forward unresolved grievance to the next level.

b. Technical Working Committee/Right-of-Way and Site Acquisition Committee or the DOT's Legal Department

405. For more complex legal matters such as EJS cases, endorsement will be made by the TWC/ROWSA Committee, or the DOT's Legal Department. The following process will be implemented:

- (i) To receive the endorsement from the Local GRM Team;
- (ii) To act and decide on each complaint within 15 working days once the complaint is filed by the Local GRM Team and inform the Local GRM Team of the recommended action/solution, thereby the Local GRM Team marking the case in the centralized database as "action/resolution ongoing";
- (iii) If and when the action to resolve the complaint is completed, to endorse the resolved case back to the Local GRM Team. The team will update the centralized database and mark the case as "action completed"; and
- (iv) To forward unresolved grievances to the next level.

3. Level 3–Project Inter-Agency Committee

406. If an AP or complainant is not satisfied with the decision by the RIMC, the ROWSA Committee, or the DOT's Legal Department, he/she may appeal to the Project Inter-Agency Committee (PIAC). The PIAC serves as the 3rd level of the GRM for APs. The PIAC will implement the following:

- (i) Receive the endorsement from the Local GRM Team and register cases as "undergoing final review and response" on the central database; To receive the endorsement from the Local GRM Team and register the case as "undergoing final review and response" in the centralized database;
- (ii) To act and decide on each complaint within 15 working days upon filing to the PIAC by the second-level of the GRM and communicate and endorse the resolution to the Local GRM Team, which then releases the decision to the complainant;
- (iii) The decision of the PIAC through the Local GRM Team will be officially communicated in writing to APs in one day from the issuance date of the decision; and
- (iv) To forward unresolved grievances to the next level

E. Court of Law

407. The GRM shall not impede access of the aPs to the country's judicial or administrative remedies. The AP may seek redress through the court system at any stage of the project's GRM. The judicial procedure will dictate the process and

progress of complaints once aggrieved stakeholders file their complaints before the court.

F. Other Grievance Procedures

1. ADB's Accountability Mechanism

408. Once all kinds of available measures given by the project's GRM are exhausted, ADB's accountability mechanism is also applied to the project. While the implementation of the project's GRM is the responsibility of the implementing agency (IA), the accountability mechanism is the responsibility of ADB. The mechanism provides opportunities for two or more complainants who are adversely affected by ADB-financed projects to express their grievances, seek solutions, and report alleged violations against ADB's operational policies and procedures including its safeguard policies. In detail, it consists of (i) consultations led by ADB's special project facilitator to assist people adversely affected by ADB-assisted projects in finding solutions for their concerns and (ii) the process through which those affected by projects can file a request for compliance review of ADB's Compliance Review Panel. The details of the mechanism can be found via the following link:

<https://www.adb.org/documents/accountability-mechanism-policy-2012>.

2. JICA's Objection Procedures

409. Alternatively, two or more people who suffer or are likely to suffer from substantial damages as a result of JICA's non-compliance with its Guidelines for Environmental and Social Considerations regarding the project may submit an objection directly to JICA, requesting investigation. The details of JICA's objection procedures based on the Guidelines can be found via the following link:

https://www.jica.go.jp/english/our_work/social_environmental/objection/index.html.

G. Grievance Redress Mechanism Procedure

410. Grievances of aPs pertaining to the RAP implementation or other project-related issues will be handled free of monetary charge through a process of negotiations aimed at reaching a consensus. The GRM procedure is described in Table IX-2.

Table IX-2: Grievance Redress Mechanism Procedure

No.	Actor	Action Taken		
1	Aggrieved stakeholder	Any aggrieved stakeholders lodge their grievances in person to the local help desk or in sms, writing, verbally, or electronically, through the eGRM Portal, to the Local/ Central GRM Team in the NSCR-Ex PMO for immediate actions.		
2	1st Level local help desk/central hotline	<p>[Local Help Desk/eGRM Portal]</p> <p>When APs file their grievances, if the eGRM Portal is down, the cases are written down on the Grievance Action Form (GAF) by central or local GR officers on behalf of the APs who sign the written complaints for official submission.</p> <p>A unique code for each AP/complainant is assigned.</p> <p>An acknowledgement slip is provided for each complaint for quick reference.</p> <p>The GRM process is explained to aggrieved stakeholders, and the details of contact points in charge of grievance cases are given.</p> <p>Complaints are reviewed to determine whether they are project-related or not.</p> <p>If any, documents presented by each AP are digitized, and control numbers for the submitted documents are assigned.</p> <p>GAF is encoded into the central database.</p>		
		2-a) If complaints are project-related, local, or central GR officers resolve them on the spot by answering inquiries.	2-b) If complaints are not project-related, local, or central GR officers refer them to an appropriate agency or an LGU which may be able to address the complaints. Local or central GR officers issue an acknowledgement slip and mark the cases on the central database as "Closed/Referred to the third party."	2-c) If complaints are project-related and beyond local or central GR officers' capacity for resolution, local or central GR officers bring them to the next level of the GRM.
3	Aggrieved stakeholder	Aggrieved stakeholders are informed of actions taken by the first level of the GRM through local/central GR officers.		
		3-a) If aggrieved stakeholders are satisfied with the actions taken, their complaints are resolved and recorded	3-b) If aggrieved stakeholders are not satisfied with the actions taken, they may elevate their complaints to the second level of the GRM.	3-c) If complaints are beyond the ability of local or central GR officers for resolution, then they refer the complaints to the second

		accordingly.		level of the GRM.
4	Local help desk/central hotline	In case of 3-a), Local or central GR officers are to inform aggrieved stakeholders of the status “case closed” via email, SMS, or letter and record cases as “closed” on an acknowledgement slip and the central database.	In case of 3-b) and 3-c), Requests of aggrieved stakeholders for elevating their complaints are delivered to the RIMC, LIAC, or the LHB. The status of complaints is recorded. Complaints are forwarded to the second level within one day from receipt of complaints or by the business close time.	
5	2nd Level RIMC, LIAC or LHB	Local GR officers endorse relocation-related grievances to LIAC or the LHB and more complex legal concerns to the RIMC. Local GR officers offer aggrieved stakeholders the following options: (i) to refer their cases to the RIMC, LIAC or the LHB or (ii) to choose the “decide-together” option under the RIMC. A course of action on each complaint within 15 working days is decided once complaints are filed by local GR officers. If aggrieved stakeholders opt for the “decide together” option, a course of action on complaints within 20 working days is decided once complaints are filed by local GR officers. Local GR officers are informed of the action and/or decision for complaints.		
6	Local GRM Team	Local GR officers receive and record the decision by the second-level decision-makers. Aggrieved stakeholders are informed of the decision for their complaints.		
7	Aggrieved stakeholder	Aggrieved stakeholders are informed of the decision by the second level of the GRM through local GR officers.		
		7-a) If aggrieved stakeholders are satisfied with the decision, complaints are resolved and recorded accordingly.	7-b) If aggrieved stakeholders are not satisfied with the decision of the second level of the GRM or if complaints are not handled within a period of one working day and aggrieved stakeholders do not receive any responses from second-level decision-makers, they can forward their complaints or file an appeal to PIAC.	

8	Local GRM Team	In case of 7-a), Local GR officers write down the status “case closed” on an acknowledgement slip, issue it via email, SMS, letter or by hand to aggrieved stakeholders and record the case as “closed” in GAF and central database.	In case of 7-b), Requests from aggrieved stakeholders for elevating their complaint are delivered to PIAC. The status of complaints is recorded. Complaints are forwarded to the third level via the Local GRM Team within one working day from receipt of complaints.
9	3rd Level PIAC	Complaints are filed by local GR officers. Complaints are registered on the central database and reviewed within seven working days. A course of action on complaints is decided within 15 working days. Local GR officers are informed of the action and/or decision on complaints.	
10	Local GRM Team	Local GR officers receive and record the decision by PIAC. Aggrieved stakeholders are informed of the decision for their complaints.	
11	Aggrieved stakeholder	Aggrieved stakeholders are informed of the decision by the third level of the GRM through local or central GR officers.	
		11-a) If aggrieved stakeholders are satisfied with the decision, complaints are resolved and recorded accordingly.	11-b) If aggrieved stakeholders are not satisfied with the decision of the third level of the GRM or if complaints are not handled within a period of one working day and aggrieved stakeholders do not receive any responses from third-level decision-makers, they can forward their complaints or file an appeal to the court.
12	Local GRM Team	In case of 11-a), Local GR officers write down the status “case closed” on an acknowledgement slip, issue it via email, SMS, letter, or by hand to aggrieved stakeholders and record the case as “closed” in GAF and central database.	In case of 11-b), Requests from aggrieved stakeholders for elevating their complaint are delivered to the court. The status of complaints is recorded.
Court		Aggrieved stakeholders may also seek redress through the court system at any stage of the project’s GRM. The judicial procedure will dictate the process and progress of complaints once aggrieved stakeholders file their complaints before the court.	

Source: JDT and DOTr

1. Status of the Establishment of Grievance Redress Mechanism Set-Up

411. In November 2018, the DOTr established and has operated a full-functioning eGRM Portal for the project with mobile numbers and e-mail address, which is managed by the DOTr's Grievance Redress (GR) officers. Information about a previous Central GRM Hotline has been announced during IEC meetings and SCMs and has been disseminated to all LGUs and barangays concerned. However, last September 2022, an eGRM Portal was launched to replace the Central Hotline. All queries, issues and concerns of APs are being filed and documented in the central database of the eGRM system of the DOTr's Central GRM Team.
412. The DOTr resumed its establishment of a physical helpdesk for the whole South Commuter (SC) section through a monthly online training and coaching which started in August 2021. The following month, September 2021, the DOTr Central GRM Team conducted an iteration workshop to equip the SC Local GR Officers in handling and facilitating grievances and queries related to the project. By July 2022, SC helpdesks were already established in each LGU. These helpdesks are stationed at the office/department where the Local GR Officer is assigned to. Capacity-building activities for Local GR Officers will be conducted in 2023 for skills enhancement in handling grievances and queries. A Training Needs Assessment (TNA) will be developed to identify for skills development and improvement.
413. The IA has also established an electronic GRM helpdesk (eGRM) and has conducted ongoing trainings and coaching of eGRM through all the relevant departments. The local GR Officers were provided with GRM portal accounts, allowing them to encode all grievances that they will receive from PAPs in their respective LGUs. Since there are new features on the eGRM and Website, orientation and trainings will be conducted to update the local GR officers on these changes.
414. GRM Information Education and Communication (IEC) Materials such as posters, brochures, and pamphlets, developed by the DOTr Central GRM Team with the assistance of ADB, were distributed across affected LGUs and which were made available at the municipal/city halls and/or affected barangays. In addition, eGRM videos (investment videos and instructional videos) were reposted by the affected LGUs on their social media pages.
415. In addressing grievances of APs, the different modalities are used such as the mobile help desk, GRM hotlines, email, and now the pre-launch GRM Portal, summarized in the table below:

Table IX-3: GRM Modalities

GRM Modality	Start of Establishment	Start of Operation
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GRM Mobile Help Desk	July 2020	Meeting with LGUs regarding the roll-out of the mobile help desk on July 28, 2020;
GRM Hotlines	October 2018	October 2018 Phone Number Globe: 0927 450 6720 Smart: 0939 223 7993
<p>Launching of the eGRM Portal, website and updated sms GRM number</p> <div> <p>Grievance Redress Mechanism</p> <p><i>North South Commuter Railway Project</i></p> <p>0922-110-1060 Format: Pangalan / Address / Katanungan</p> <p>nscr.grm@dotr.gov.ph</p> <p>https://nscr.com.ph/</p> </div>	<p>Launching of the eGRM was held last September 2022</p>	<p>Already operational and for monitoring of operation. Distribution of the communication materials have already been done.</p>

2. Establishment of the GRM Team

416. Since November 2018 when the Central Hotline was established, the DOTr has assigned dedicated GR officers for the project whose tasks and responsibilities are focused entirely on the GRM. GR officers are assigned to the Central GRM Team at NSCR PMO in the DOTr's Office of the Undersecretary for Railways.
417. The Local GRM Team is assigned to a specific city or municipality affected by the project and is composed of trained GR officers who are LGU representatives.
418. NSCR PMO. The Central GRM Team is in charge of grievances channeled through the DOTr's central office via the eGRM Portal and is responsible for the receipt, acknowledgement, and registry of grievances as well as eligibility assessment.
419. Local GR officers from the LGU have been deployed to manage the Local Help Desk of the NSCR-Ex (Calamba Extension). The existing Local Help Desk is stationed in various offices of the ten LGUs and is provided with local GR officers to answer inquiries about project concerns, receive complaints, and provide clarification on the matters related to claims and interests of APs. The list of central GR officers on duty are presented in Table IX-4.

Table IX-4: Composition of the Central GRM Team (as of Feb 2021)

No.	Affiliation	Main Responsibility
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1	GRM Team	Follow up on grievances received from both N2 and SC and communicate with team leads to address pending cases
2	GRM Team	Follow up on grievances received in N2 Section
3	GRM Team	Follow up on grievances received in SC Section
4	GRM Team	Follow up on Gender-Based Violence (GBV) cases
5	Envi Team	Assisting GRM Team every Thursday and Tuesday
6	Envi Team	Assisting GRM Team every Thursday and Tuesday
7	Communications/ Public Relations Team	Assisting the operation of Help Desks in N2-SC and consolidation of grievance database

3. Grievance Communication Between Grievance Redress Officer and Affected Persons

420. When using the eGRM Portal to lodge complaints, the AP is given a ticket number for reference that he/she can use to follow-up the status of the resolution of the complaint if no one has contacted him/her. The communication methods for this purpose are proposed in Table IX-5. The Grievance Action Form (GAF) is provided once APs raise grievances or concerns through the local help desk, when the eGRM Portal is down. At that time, APs can indicate their preferred contact channels on GAF. Responses to any anonymous grievances when possible and the process for addressing anonymous grievances will be posted on a bulletin board located at the local help desk or the lobby of the LGU office.

Table IX-5: Methods for Communications with Affected Persons

Person in Charge	Grievance Received Through	Immediate Action Taken by GRM Team	Acknowledgement of Receipt	Delivery of Decisions Made at the GRM	Agreement on Case Closure	Method for Communication with APs
Local help desk (Local GR officers)	In person	GR officers assist APs in filling out GAF.	An acknowledgement slip is provided with a control number.	APs are informed through their preferred channels indicated on GAF.	GR officers ask APs whether to close grievance cases.	In person (at local help desk) Email Phone call Text/SMS Response letter Public information board (in case of anonymous grievances)
	Drop box	GR officers fill out GAF and provide responses as much as possible.	—	GR officers publish answers on a bulletin board located at the local help desk or the lobby of the LGU office.	When answers are published on a bulletin board, grievance cases are closed.	


eGRM Portal(Central GR officer	text/SMS/email/website/eGRM Portal	GR officers fill out GAF if eGRM Portal is down	A control or ticket number is provided. If APs use SMS, a control or ticket number is provided via SMS.	APs are informed through their preferred channels indicated on GAF or entries in the eGRM Portal	GR officers ask APs whether to close grievance cases.	Email Text/SMS Response letter
	Letter	GR officers fill out GAF. If information is not sufficient, APs are contacted for further information.	GR officers send a solution letter with an acknowledgement slip, control number, and specified deadline for response. In the letter, the email address and text number of central GR officers are provided. Or If APs mention about their contact numbers or email addresses in the letter, GR officers inform them of a control/ticket number via the specified channels and facilitate the same process with the eGRM Portal		APs fill out the acknowledgment slip attached to the letter or reply via email or text mentioned in the solution letter to confirm whether to close grievance cases.	

Source: JICA Design Team

4. Information Dissemination

421. The eGRM Portal is publicized and promoted especially at the local level, i.e., communities and barangays, to ensure that APs are aware of the platform and can use it as a trustworthy and effective means for feedback and grievance redress. As part of the overall project communications strategy, the NSCR-Ex PMO has prepared communication materials pertaining to the GRM both in text and visual forms, project details and maps, frequently asked questions, and the procedure of land acquisition and resettlement. The communication materials for the GRM are listed in Table IX-6.
422. Project stakeholders were informed about the GRM during stakeholder consultations. Smart and Globe Hotlines were established, and the Hotline information was posted on each barangay's notice board and informed during stakeholder consultations.
423. In addition, a leaflet explaining the GRM process was also prepared. All concerned institutions including barangays, LGUs, and the NSCR PMO are using the same leaflet in explaining the GRM procedures to aggrieved stakeholders who come to raise their issues or concerns. The handout was disseminated by LGUs and barangays as well as the DOTr at the Help Desk and barangay halls and during stakeholder consultations.

Table IX-6: Methodology for GRM-Related Information Dissemination

Communication Tool	Content	Methodology for Information Dissemination	Responsibility	Timeline for Preparation
DOTr's eGRM Portal		SCM Posting on each barangay office's bulletin board Posting on the LGU's Facebook page Posting in website	DOTr	Under operation since September 2022 (Previously, the DOTr Central Hotline was operational on December 2018 and was replaced by the eGRM Portal)
Map	Map showing the project ROW within LGUs	Local help desk	DOTr	September 2020
GRM brochure	Summary of the project Objective of the GRM GRM process Information on the local help desk including its opening time and day, location, and the way to file a complaint/issue Information on entitlements, land acquisition process and schedule, resettlement sites, and the LRIP Information on the central hotline including phone numbers and email address	Local help desk Central GR officer Community organizing by the Social Housing Finance Corporation (SHFC)	DOTr	September 2020
Public information brochure	Project description Expected benefits from the project Information on the local help desk and central hotline	SCM Local help desk Central GR officer Community organizing by SHFC	DOTr	September 2020

Source: DOTr

H. Capacity Building of Grievance Redress Officers

424. **Objective.** Capacity building activities aim at ensuring that GR officers who are assigned for the Local or Central GRM Team are equipped with proper skills and knowledge on all aspects of the project including the RAP,

construction timeline, environmental impact statement (EIS), health and safety measures, and legal and documentation process. Such activities will also be a means to obtain comments and suggestions from GR officers with regards to validating, improving, and streamlining the GRM.

425. The central and local GR officers have attended training sessions pertaining to the GRM as below:

426. **GRM Workshop.** So far central and local GR officers have attended four training sessions pertaining to the GRM as below. On 18 and 19 September 2019, the GRM workshop was undertaken by ADB for central GR officers and local GR officers in charge of the Solis-Calamba Section. The workshop covered the GRM's scope, objective, structure, process, and implementation and monitoring system.

(i) **GRM Training.** The GRM training was undertaken by ADB for GR officers during the detailed design (DD) phase. It covered the GRM's scope, objective, structure, process, and implementation and monitoring system. During the training, the results of the assessment conducted by ADB of the existing GRM for the RAP were also presented. An updated orientation training on the eGRM Portal was also conducted last July 2022 to Local GR Officers.

(ii) **Help Desk Training.** The two-day help desk training for local GR officers was conducted by Ecosys, the RAP sub-consultant of the JICA Design Team (JDT) on 4 and 5 April 2019. The topics covered: (i) the introduction and levelling of expectations; (ii) understanding on the RAP, RAP survey process, purpose and clients of the local help desk; (iii) legal framework; (iv) JICA and ADB guidelines, ROWSA, the Department of Public Works and Highways Right-of-Way Acquisition Manual (DRAM), and relevant Philippine Laws; (v) the entitlement matrix of the RAP; (vi) EJS process; (vii) types of EJS cases and corresponding solutions for each case; (viii) how to handle complaint and grievance cases; and (ix) roles for handling cases.

(iii) **GRM Workshop.** The workshop covered the GRM's scope, objective, structure, process, and implementation and monitoring system.

(iv) **GR Iteration Workshop.** On 5 March 2020, the GR iteration workshop was held at the DOTr's MRT-3 depot. Along with local GR officers in charge of the Solis-Calamba Section, the NSCR-Ex PMO staff participated in an intensive session to review the GRM process and specific roles of the GRM units or focal points at each level. The two local GR officers from Manila, 2 from Makati City, 2 from Taguig City, 2 from Paranaque City and 2 from Muntinlupa City LGUs attended the workshop

(v) **Continuous Capacity Building.** The NSCR-Ex PMO will organize regular training and iteration sessions to ensure that the DOTr's staff and local GR officers have sufficient understanding of the GRM including updates or

changes in the GRM procedure and system and project details. Constant and iterative aspect training for the PMO-GRM and LGU staff will be periodically given to ensure that knowledge and skills gained from previous trainings in managing risk communication and grievance redress monitoring are sustained. Gained knowledge and skills will be applied by the GRM staff in managing land related concerns such as Extra Judicial Settlement (EJS) cases requested from the help desk.

I. Monitoring Reports on Grievance Redress

427. The NSCR PMO monitors the grievance redress status monthly and reports the results to JICA/ADB on a quarterly basis by submitting Monitoring Reports on Grievance Redress pertaining to accomplishments and status of unresolved grievances. These reports form a part of the Internal/External Monitoring Report to be submitted to JICA/ADB. The details are referred to in Chapter 13. The proposed monitoring format is attached in Appendix 9.

1. Local Monitoring

428. The Local GRM Team undertakes periodic rapid appraisal that measures the GRM's effectiveness and efficiency. The Local GRM Team monitors the types of grievances, status of resolutions and grievances forwarded to the 3rd parties or next levels. The newly designed eGRM Portal will have an integral program to enable the processing and generation of these types of information.

a. Monitoring Approach

429. Monitoring activities to generate data on the GRM's relevance, effectiveness, and efficiency will range from simple tracking of the progress of cases using the eGRM Portal .
430. The results of local monitoring will be documented by GR officers through the eGRM Portal.

b. Reporting

431. The results of monitoring activities documented by local GR officers and can be summarized through eGRM Portal by GRM managers and the Central GRM Team once a month.
432. A local monitoring report that can be generated from the eGRM Portal by GR officers includes the following: (i) the progress of grievances, (ii) raised issues and concerns during SCMs and focus group discussions (FGDs), (iii) comments for improving the GRM, and (iv) monitoring sheets which contain the number of grievances received and resolved and the type of grievances received at the local help desk.

2. Central Monitoring

433. Central monitoring is the integration of all local-level monitoring using the information obtained from the eGRM Portal system containing the progress of and gaps in grievance resolution. The DOTr's GRM manager prepares a formatted narrative report on a monthly basis.

a. Monitoring Approach

434. The central monitoring is conducted for all levels of the GRM based on the eGRM Portal, which enables the GRM Team to get a glimpse of the progress of all grievances. In addition, the central monitoring will make it possible to verify if there are an abnormal number of complaints of the same nature and identify any relevant problems. For example, if the receiving rate of grievances at the eGRM Portal is irregular, then the GRM Team can examine any possible systematic errors. The GRM Team can also verify if there is a consistent delay in reaching a resolution and accordingly investigate the cause of the delay.

b. Reporting

435. Central GR officers monitor the type and status of grievance cases mainly through the eGRM Portal. Accordingly, the DOTr's GRM manager will prepare a central monitoring report on a monthly basis which includes the status of grievances received through the eGRM Portal elevated to the next levels of the GRM.

436. The central monitoring report includes the following: (i) the progress of grievances, (ii) summary of GRM activities such as meetings or capacity-building training, (iii) comments for improving the GRM, (iv) monitoring sheets which contain the numbers of grievances received and resolved and the type of grievances filed at each level of the GRM, (v) analysis of grievances under common themes and areas, and (vi) recommendations for further actions to reduce similar grievances in the future.

J. Continuous Update of the GRM

437. The GRM policy and procedure will be updated every six months to streamline the process where needed. Discussions and revisions will be made by the Central GRM Team based on recommendations. If necessary, interviews will be conducted with local GR officers on the spot. The updated GRM will be promptly distributed to each local help desk and central GR officers.

K. Checklist of Components of a GRM Office

438. Table IX-7 shows the checklist of components of a GRM office, the responsible offices, and provider of funds:

Table IX-7: Checklist of Components of a GRM Office

Components		Local GRM	Central GRM	Responsibility	Funds Provider
Staff	GR Team	✓	✓	DOTr/LGU	DOTr
Office	Space, desk, and chair	✓	✓	DOTr/LGU	DOTr/LGU
	SMS phone	✓	✓	DOTr/LGU	DOTr/LGU
	PC	✓	✓	DOTr/LGU	DOTr/LGU
	Internet access	✓	✓	DOTr/LGU	DOTr/LGU
	Letter/drop box	✓	✓	DOTr/LGU	DOTr
	Bulletin board	✓	✓	DOTr/LGU	DOTr
	All-in-one printer (scanner, printer, photocopier) with supplies	✓	✓	DOTr/LGU	DOTr
Operation Tool	GAF	✓	✓	DOTr	DOTr
	Acknowledgement slip (receipt and resolution)	✓	✓	DOTr	DOTr
	Response letter format	✓	✓	DOTr	DOTr
	eGRM Portal	✓	✓	DOTr	DOTr
Supporting Tool	GRM/Help Desk Manual	✓	✓	DOTr	DOTr
	Directory for the other agencies and all GRM-level contact persons	✓	✓	DOTr	DOTr
Communication Tool	Map showing ROW within each LGU	✓	✓	DOTr	DOTr
	Project information booklet	✓	✓	DOTr	DOTr
	Leaflet on (i) project information, (ii) land	✓	✓	DOTr	DOTr

	acquisition/resettlement, and (iii) GRM				
Monitoring Tool	Monitoring Form		✓	DOTr	DOTr

L. Grievance Action Form (GAF)

439. The GAF is a registry form of grievances and complaints received by the Help Desk when the eGRM Portal is down. The GAF is completed by complainants or GR officers and is registered into the eGRM Portal. The GAF contains the following fields sufficient to understand the issue to resolve and contact details to communicate with complainants. Table IX-8 shows the fields of the GAF:

Table IX-8: Fields of the GAF

No.	Item	Details			
1	GAF control number	Registration number to be provided in accordance with the pre-decided numbering system			
2	Date and time	Date and time when a complaint was first received			
3	Basic information of APs	Name, gender, address, date of birth, contact details, occupation, name of spouse, and date of birth of spouse			
4	Category of grievances filed	<ul style="list-style-type: none"> • Related to the environment • Related to the RAP • Related to health and safety • Others (Unrelated to the environment/RAP) 			
5	Action taken	<ul style="list-style-type: none"> • Date of action resolved 			
		RAP <ul style="list-style-type: none"> • Resolved at the GR officer level • Resolved at RIMC/ROWSA Committee /DOTr's Legal Department • Resolved at the PIAC • Referred to the court 	Environment⁶⁰ <ul style="list-style-type: none"> • Resolved at HSE officer level • Resolved at HSE Committee (HSEC) level • Resolved at MMT level • Referred to DENR- EMB 	Health and Safety <ul style="list-style-type: none"> • Resolved at HSE officer level • Resolved at HSEC level • Resolved at PMO Board 	Others
6	Referral details	<ul style="list-style-type: none"> • Name of authority • Date of meeting • Office • Venue 			

⁶⁰ The Environment and Health and Safety GRM are modelled on the same principles and processes of the Resettlement GRM. However, the agencies involved in resolving issues are different. Please refer to the project's Environment Impact Assessment report for details of the Environment and Health and Safety GRM.

		• Position
7	Detail of grievances	Description of received complaints
8	Detail of resolutions	Description of provided resolutions
9	Preferred means of contact	<ul style="list-style-type: none"> • Over the counter (Helpdesk) • Letter • E-mail • SMS/text • eGRM Portal • Website • Public information board
10	Remarks	

Source: JICA Design Team

440. If required in paper and online formats, GAF is prepared in Filipino with English translation and is accessible to users. A sample form in Filipino with English translation is shown in Figure 9-1:

Figure IX-1: Grievance Action Form

GRIEVANCE ACTION FORM		Control No.
IMPORMASYON NG PROYEKTO PROJECT INFORMATION Pangalan ng Proyekto: <i>Name of Project:</i>	Petsa kung kalian natanggap: <i>Date Received:</i>	
Implementing Officer: <i>Implementing Officer:</i>	Tinanggap ni: <i>Received by:</i> Posisyon: <i>Designation:</i> Pangalan at Lagda <i>Signature over printed name</i>	
PERSONAL NA IMPORMASYON NG PAP PERSONAL INFORMATION OF PROJECT-AFFECTED PERSON		
Pangalan <i>Name</i>	Kasarian Lalaki/Babae Kapanganakan (MM-DD-YYYY) <i>Sex Male/Female Date of Birth (MM-DD-YYYY)</i>	
Pangalan ng Asawa <i>Name of Spouse</i>	Kasarian Lalaki/Babae Kapanganakan (MM-DD-YYYY) <i>Sex Male/Female Date of Birth (MM-DD-YYYY)</i>	
Tirahan <i>Address</i> Contact Number <i>Contact Number</i>		
DETALYE NG ISINAMPANG GRIEVANCE DETAILS ON GRIEVANCE FILED		
KATEGORIYA (Bilugan ang nararapat na letra) CATEGORY (Encircle appropriate letter) A May kinalaman sa pangkapaligiran A Environmental Related	URI NG AKSYON (Bilugan ang nararapat na letra) TYPE OF ACTION (Encircle appropriate letter) <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 5px;"> Pangkapaligiran Environmental </div> <div style="border: 1px solid black; padding: 5px;"> RAP </div> </div>	

B May kinalaman sa kalusugan at seguridad B <i>Health and Safety Related</i> C May kinalaman sa RAP C <i>RAP Related</i> D Iba pa D <i>Not Environment/RAP Related</i>	A Naresolba sa HSE Officer Level A <i>Resolved at HSE Officer Level</i> B Naresolba sa HSEC Level B <i>Resolved at HSEC Level</i> C Naresolba sa MMT Level C <i>Resolved at MMT Level</i> D Naresolba sa DENR-EMB D <i>Referred to DENR-EMB</i>	A Naresolba sa Grievance Officer Level A <i>Resolved at Grievance Officer Level</i> B Naresolba sa LIAC/ROW PMO B <i>Resolved at LIAC/ROW PMO</i> C Naresolba sa PIAC C <i>Resolved at PIAC</i> D Naresolba sa Korte D <i>Referred to Court</i>
DETALYE NG GRIEVANCE DETAILS OF GRIEVANCE Petsa: Date: Detalye: Details:	DETALYE NG REFERRAL REFERRAL DETAILS Pangalan ng Awtoridad <i>Name of Authority</i> Opisina <i>Office</i> Posisyon <i>Position</i> Petsa ng Pagpupulong <i>Date of Meeting</i> Lugar ng Pagpupulong <i>Venue</i>	

Source: JICA Design Team

1. Control Numbers of GAFs

441. All complaints and grievances reaching the Help Desk and eGRM Portal are given control/ticket numbers. For GAFs, the control numbers of GAFs consist of components shown in Table IX-9, allowing the easy identification of the registered date of grievances, the LGU where the grievances are raised, and the office managing the grievances. The GAF control number will be composed of the following elements: date when complaint was filed, GRM/Help Desk office where it was logged, GR officer ID number, code of GRM channel where the grievance was filed, AP number, location of affected property, and code for type of concern/grievance. Table IX-9 below illustrates how the GAF control number is generated.

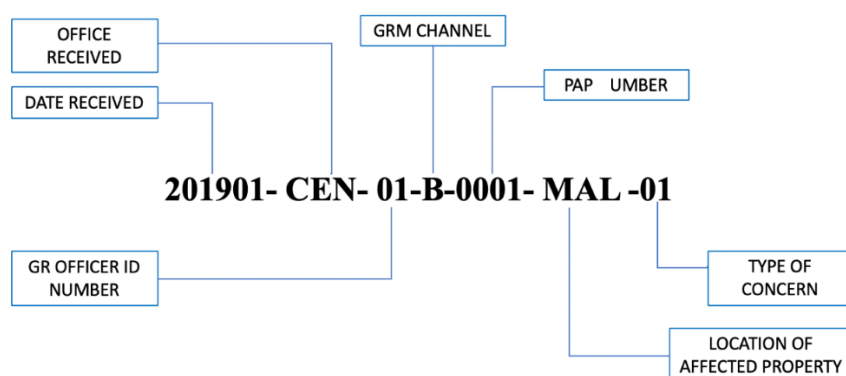
Table IX-9: GAF Control Numbers

Date	Office Logged	GR Officer Number	GRM Channel	AP Number	Location of Affected Property	Concern Number
Possible values: Year 2018-2025	Possible values: MNL – Manila MKT – Makati TAG – Taguig	Possible values: 01 to 99 Note:	Possible values: A – In Person B – Telephone	Possible values: 0001 to 9999 Note:	Possible values: MNL – Manila MKT – Makati TAG – Taguig	Possible values: 01 to 99

Possible values: Month 01 - 12	PRN – Paranaque MTN – Muntinlupa SPD – San Pedro BIN – Binan STR – Sta. Rosa CBY – Cabuyao CMB - Calamba CEN – Central GRM	Each GR officer has unique ID number	C – E-mail D – Letter E – Text/SMS F – Social Media	Each PAP has a unique PAP number.	PRN – Paranaque MTN – Muntinlupa SPD – San Pedro BIN – Binan STR – Sta. Rosa CBY – Cabuyao CMB - Calamba	
SAMPLE CONTROL NUMBER: 201901- CEN- 01-B-0001- MAL -01						

Source: JICA Design Team

Figure IX-2: GAF Control Number



2. Acknowledgement Slip for Receipt and Resolution

442. Once the GR officer receives a grievance from an AP, an acknowledgement slip in Tagalog is issued to the AP within 24 hours of receiving the grievance (The example below is a copy in English). When the AP contacts the DOTr over the counter and by a drop box and letter, the GR officer provides a paper acknowledgement slip. The slip serves as the acknowledgement of receipt and resolution. When a satisfactory resolution for both parties has been reached, the AP will sign on the right side of a slip to acknowledge the resolution of the grievance. The GR officer will keep a copy of the slip. The acknowledgement slip format is shown in Figure 9-3.

Figure IX-3: Copy of Acknowledgment Slip for APs in English

ACKNOWLEDGEMENT Slip		Copy of Aggrieved Stakeholder	
Control Number: _____		Control Number: _____	
Date: _____	Date: _____	Date: _____	Date: _____
Name of GR officer: _____		Name of GR officer: _____	
Be it known, that the undersigned from <u>Name of LGU Help Desk/Central Hot line</u> , acknowledges the grievance from <u>Name of Aggrieved Stakeholder</u> and certifies that his/her case is deemed received .		Be it known, that the undersigned from <u>Address of Aggrieved Stakeholder</u> , acknowledges the resolution(s) to his/her concerns and certifies that his/her case is deemed resolved .	
Signature of GR Officer _____		Signature of Aggrieved Stakeholder _____	

443. For grievances received through e-mail and SMS, the acknowledgement will be provided to APs through each corresponding channel.

3. Centralized Database transition to eGRM

444. The DOTr has set-up the eGRM Portal for the sustainable operation of the GRM. Meanwhile, a soft launch on the GRM portal has been started with a little fine tuning of the process. Although the software and the online system will have a different process in creating the central database, basic function and contents are the same. Upon receiving grievances from APs, the GR officer registers GAF information into the database. Data input at each LGU's Help Desk is uploaded online on a daily basis and is merged into the central database managed by the Database Manager of the Central GRM Team.

M. Framework for the Temporary Online Centralized Database

445. The temporary online centralized database has been transitioned to the eGRM system. In case of no internet access, each Help Desk will have an Excel database (offline) to input information. The Excel file with input information is unified into the eGRM Portal (online) by a Local GR officer at the end of each day..

446. The data, once integrated and uploaded into the eGRM Portal, will be accessible/viewable at any time for both the Central and Local GRM Teams including committee focal points but editable only by the current assigned GR officer. The Central GR officer filters the centralized database for each LGU and shares it accordingly. The LGU Help Desk cannot see the other LGUs' data to ensure the security of personal information.

447. All the Central GR officers have access to the eGRM Portal. When a grievance is received via e-mail, SMS, and letter, the Central GR officer inputs

information on the eGRM Portal. The grievance raised to the higher levels is managed in the same eGRM Portal by the Local GR officer.

448. Table IX-10 shows the procedure of operation for Online Centralized database at the 1st level of complaint.

Table IX-10: Procedure of Operation for eGRM Portal at the 1st Level

No.	Items	Description	Required Equipment	Responsible		Timeline
				Local GR Officer	Central GR Officer	
1	Input	Without Internet Access at the Help Desk: Information is input on the Excel database along with the GAF written by APs.	<ul style="list-style-type: none"> • GAF • Excel database 	✓		As soon as a complaint is received
2	Distribution	<ul style="list-style-type: none"> • With Internet Access at the Help Desk: The information heard from APs is input on the eGRM Portal. The input information is automatically registered. 	<ul style="list-style-type: none"> • Internet • eGRM Portal 	✓		As soon as complaint is received
3	Input Integration	eGRM Portal: The information heard from APs who contact the Hotline (via phone call, e-mail, SMS, and letter) is entered in the eGRM Portal. The input information is automatically registered in the portal.	<ul style="list-style-type: none"> • Internet • eGRM Portal 		✓	As soon as a complaint is received
		Without Internet Access at the Help Desk: The Excel database at each Help Desk is collected and compiled into the centralized database. The Excel database is collected through e-mail or by hand.	<ul style="list-style-type: none"> • Excel database • Internet 		✓	Everyday
4	Tracking Update	The status of resolutions for grievance s at each level is followed up and clarified, using the eGRM	<ul style="list-style-type: none"> • eGRM 	✓	✓	
5	Backup	The copy of the centralized database is backed up daily by hard disks or online.	<ul style="list-style-type: none"> • Centralized database • Hard disk • Online server 		✓	Once a month

449. The roles and responsibilities of the GRM Team for the eGRM Portal and database is summarized in Table IX-11.

Table IX-11: Roles and Responsibilities of the GRM Team for the eGRM Portal

Responsibility	Local GR Officer	Central GR Officer	Database Manager
Generate user IDs and passwords of eGRM system			✓
Input the information heard from APs on the online GAF and register it on the eGRM			✓
Browse data for the follow-up on the status of grievances in the eGRM	✓	✓	
Collect Excel files from each Local Help Desk to integrate them to the centralized database		✓	
Input the information heard from APs on the online GAF and register it on the centralized database	✓	✓	
Browse data for the follow-up on the status of grievances in the centralized database	✓	✓	
Provide access (when immediately available) and a copy of the centralized database to each Local Help Desk for browsing		✓	
Update the status of grievances once information is updated	✓	✓	
Record the relevant data in the database when the grievance is resolved	✓	✓	
Update the centralized database as necessary to respond to threats such as computer virus and attacks			✓
Maintain database performance by troubleshooting problems			✓
Back up the data on the system or recovery files			✓

Source: JICA Design Team

CHAPTER X : RAP IMPLEMENTATION ARRANGEMENTS

450. This chapter discusses implementation arrangements for the resettlement action plan (RAP) for the project. Specific functions of implementing bodies and their relevance to the roles of the Department of Transportation (DOTr) as the implementing agency (IA) are explained in detail. Table 10-1 summarizes implementing units and coordinating bodies for this project, while the RAP implementation structure is shown in Figure 10-1.

Table X-1: Implementing Units and Coordinating Bodies

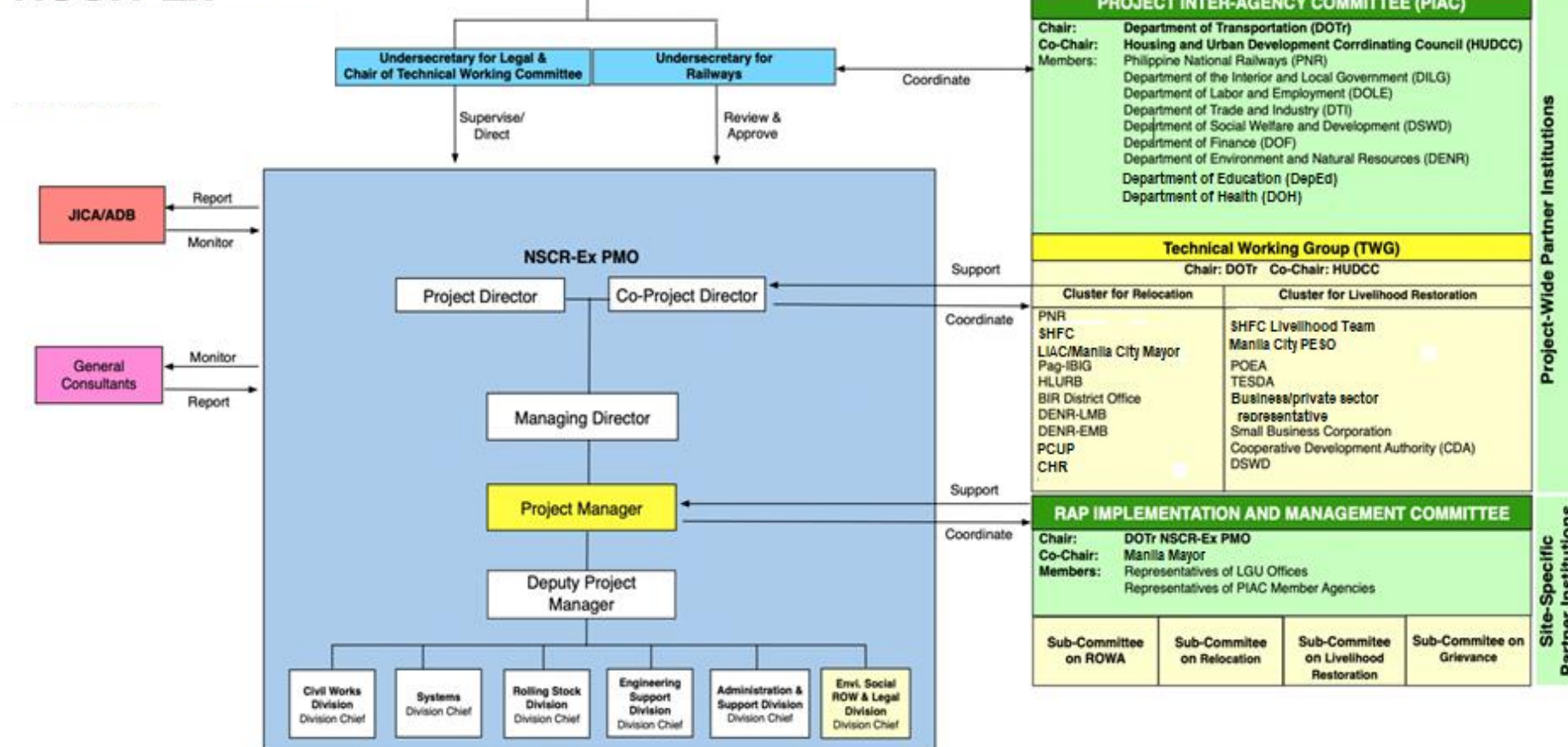
Body/Unit		Purpose/Key Responsibilities	Unit Type	Frequency of Meeting	Number of Member / Staff
Primary Implementing Unit	North-South Commuter Railway Project Management Office (NSCR PMO)	Primarily responsible for the implementation of the project including the RAP implementation	Project-based office	Weekly and as needed	More than 300 (81 dedicated to RAP Implementation)
Approving Committee	DOTr's Technical Working Committee (TWC)	Responsible for right-of-way (ROW) acquisition for all DOTr projects. This unit is the final approving body for all ROW acquisition related decisions of the DOTr.	Committee	As needed	11
Coordinating Bodies	Project Inter-Agency Committee (PIAC)	Primarily responsible for establishing institutional linkages among concerned government offices and creating inter-agency policies for the efficient implementation of RAP components.	Project-wide committee	Quarterly	11
	Technical Working Group (TWG) under PIAC	Responsible for actual inter-agency coordination at the project-wide level. Representatives are responsible for cascading to field offices or concerned sub-units the function/role of their respective agencies in the implementation of this RAP and the agreements/policies/plans agreed at the PIAC/TWG level.	PIAC sub-committee	As needed	21
	RAP Implementation and	Recommendatory and coordinating committee for the RAP implementation at	City / municipality-	Monthly and as the need	16

	Management Committee (RIMC)	the local level.	level committ ee	arises	
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Source: JICA Design Team

Figure X-1: RAP Implementation Structure

RAP Implementation Structure **NSCR-Ex**



A. Department of Transportation

451. As the IA for the project, the DOTr supervises and coordinates the implementation of all activities, monitor compliance with this RAP, secure sufficient funds for the implementation of all resettlement-related activities, allocate resources in a timely manner, set target outputs with the corresponding timeline, monitor progress, consolidate reports from all sources, document gaps, and find appropriate solutions. Such general roles of the DOTr as the IA will be largely carried out by a special office created for this purpose, the Project Management Office (PMO) of the North-South Commuter Railway Extension Project (NSCR-Ex).
452. The DOTr headed by the Department Secretary who directly reports to the President of the Philippines will be assisted by several Undersecretaries that head their respective division. For the project, the undersecretary for railways will directly supervise the NSCR PMO and make critical decisions related to the RAP implementation. As per guidance in the DRAM, before the DOTr issues the Notice of Award for the construction contract, DOTr will obtain at least a Permit to Enter (PTE) the ROW from the owner, or a or a notarized DAS or Deed of Donation executed in favor of the government, or a Writ of Possession (WOP) from the concerned court, as the case may be. Given the nature of the investment as a large multi-year project, the Notice of Award may be immediately issued to cover the entire project, but the Notice to Proceed (NTP) may be issued by segment according to the phased implementation of the project with corresponding phased delivery of the required ROW. In such a case, the general practice is that each ROW phase should provide a land area free from obstructions with at least a PTE to enable the contractor to do at least six months of continuous construction.
453. Works contracts will not be awarded until after final approval of the updated RAP. Construction in any affected areas will not be allowed to commence until full compensation has been paid and relocation, when necessary, is completed in accordance with this RAP. Before giving possession of a relevant site to the contractor, DOTr will confirm to ADB that the required RAP provisions have been satisfactorily completed and furnish details on compensation and entitlements provided and resettlement assistance provided (when applicable). After ADB's acknowledgement, the notice to proceed will be issued by DOTr to the Contractor.
454. Prior commencement of works, RAP is approved and the DOTr will ensure that the contractor will provide safe access to the community that live beside the project premises.
455. Construction will not be allowed to commence until full compensation has been paid and relocation, when necessary, is completed in accordance with this framework. Before giving possession of a relevant site to the contractor, DOTr will confirm to ADB that the required RAP provisions have been satisfactorily completed and furnish details on compensation and entitlements provided and resettlement assistance provided. After ADB's

acknowledgement, the notice to proceed will be issued by DOTr to the Contractor.

1. Technical Working Committee⁶¹

456. Department Order (D.O.) No. 2013-05 created the Technical Working Committee (TWC) for the right-of-way (ROW) acquisition for infrastructure projects under the DOTr management. The undersecretary for legal and procurement and the undersecretary for planning are TWC members. The TWC provides legal and technical support to all PMOs under the DOTr, including the NSCR PMO.

a. Roles and Responsibilities of the Committee

457. The roles and responsibilities of the TWC are summarized below.

- Evaluate, examine, and approve documents pertaining to all properties to be acquired that have already undergone due diligence by the NSCR PMO⁶²; and
- Endorse documents for compensation as per the entitlement matrix of this RAP.

b. Composition of the Technical Working Committee

458. The DOTr's TWC is established under the Office of the Undersecretary for Legal and Procurement. D.O. No. 2013-05 specifies the composition of the TWC as shown in Table X-2.

Table X-2: Composition of the Technical Working Committee

Position		Member
1	Leader	Chairman: Director, Legal Service Vice-chairman: Director, Planning Service
2	Member	Executive Director concerned Chief, Legal Affairs and Research Division Project manager/engineer concerned Representative of Legal Service Representative of Planning Service Representative of Finance and Comptrollership Service Representative of Procurement Supply and Property Management Service
3	Observer	Representative of the Commission on Audit (COA) Resident Auditor

Source: DOTr.

2. North South Commuter Railway Project Management Office

⁶¹ The committee will be replaced by the DOTr's Right-of-Way and Site Acquisition (ROWSA) Committee once the ROWSA Committee is created.

⁶² The assistant secretary for procurement and project implementation will sign the offer to buy (OTB) to be issued by the DOTr's PMO to property owners.

459. The NSCR PMO will be the primary project implementing unit of the DOTr for the project including the RAP implementation in accordance with the Guidelines for Environmental and Social Considerations (2010) of the Japan International Cooperation Agency (JICA) and ADB's Safeguard Policy Statement (SPS, 2009) on involuntary resettlement. The NSCR PMO carries out the responsibilities laid out in this RAP.

a. Roles and Responsibilities of the Project Management Office

460. The role and responsibilities of the NSCR PMO pertaining to the RAP are summarized below.

b. General Functions

- Lead and manage the overall implementation of this RAP;
- Synchronize resettlement activities and land acquisition with the project construction schedule and similarly closely coordinate with contractors to ensure that civil works are aligned with the RAP implementation;
- Coordinate with other partner institutions in the RAP implementation such as the Social Housing Finance Corporation (SHFC), the Department of Human Settlements and Urban Development (DHSUD), formerly the Housing and Urban Development Coordinating Council (HUDCC), local government units (LGUs), government financial institutions (GFIs), and the Department of Finance (DOF);
- Coordinate with DPWH to ensure that the APs in the commonly affected properties of both projects will receive supplemental entitlements prior to displacement;
- Ensure the timely implementation of the RAP, specifically, the acquisition of the ROW, the resettlement of affected persons (APs), and the implementation of the livelihood restoration and improvement program (LRIP);
- Supervise the general consultant in matters pertaining to the RAP;
- Create a database of APs accessible to all involved agencies nationwide and set guidelines in accessing this database to maintain confidentiality of information to protect the privacy of APs;
- Lead responses to unanticipated impacts due to the project, preparing safeguards documents/reports as required by JICA and ADB;
- Lead all project-related committees and organize a secretariat;
- Prepare detailed action plans, schedules, targets, and resource allocation plans to effectively implement the RAP;
- Ensure that sufficient human resources are available to implement the RAP;
- Operate and maintain the grievance redress mechanism (GRM), ensuring availability of all required resources such as budgets, staff, office space, transport, and supplies;
- Ensure that adequate budgets and required funds are available to implement the RAP and all related safeguards plans and activities and make all required payment to APs including monthly rental allowances in a timely manner;

- Disclose information about the RAP implementation in a timely and meaningful manner, and involve APs in the RAP implementation;
- Monitor and report all RAP-related activities, identifying issues and implement corrective actions, as outlined in the RAP;
- Update the RAP including any other safeguard documents as required by JICA and ADB;
- Ensure that unanticipated impacts are addressed according to the RAP;
- Prepare monthly and quarterly monitoring reports on the RAP implementation, post-completion and evaluation reports and semi-annual internal monitoring and evaluation reports for submission to JICA and ADB;
- Ensure the engagement of the external monitor agent (EMA) during the RAP implementation; and
- Act under the overall direction of the undersecretary for railways.

c. Right-of-Way and Land Acquisition

- Conduct all required surveys to determine affected persons and assets as needed;
- Ensure that all eligible APs provided with their respective entitlements are identified according to the RAP and are relocated and/or compensated as per the RAP;
- Update and maintain the database on APs and their assets needed for the effective implementation and monitoring of RAP activities;
- Conduct the validation of APs (both landowners and informal settlers) and assets and the verification of eligibility jointly with or independently from other agencies;
- Provide assistance to APs to complete the preparation of necessary documents when needed;
- Carry out due diligence on land when property owners cannot be identified;
- Ensure the timely procurement of GFI services and monitor appraisal of affected properties, thereafter;
- Issue the notice of taking (NoT) and offer to buy (OTB) duly approved and signed by proper authorities;⁶³
- Assist APs in securing required documents, particularly in extra judicial settlement (EJS) cases;
- Pay full compensation to APs prior to incurrence of loss and land clearing;
- Provide entitlements to those APs who are commonly affected by both projects (NSCR-Ex and Metro Manila Subway Project of the DPWH) prior to displacement;
- Lead and manage the timely clearing of the ROW and relocation of APs; and
- Any additional land acquisition is required to be assessed for resettlement impacts, and safeguard documentation will be prepared and approved by JICA and ADB prior to acquisition and clearing.

⁶³ The NoT will be signed by the head of the ROWSA Team, while the OTB will be signed by the TWC Chairman.

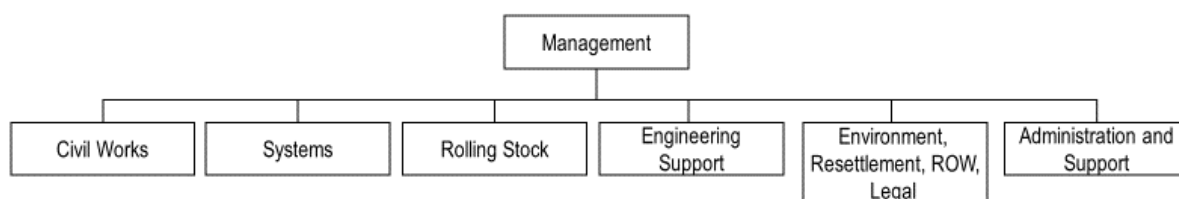
B. Preparation and Submission of Reports

- Submit all necessary reports to the undersecretary for railways periodically (on a monthly basis) pertaining to the RAP implementation;
- Conduct internal monitoring of the RAP implementation and prepare monthly, quarterly, and semi-annual monitoring reports/updates; and
- Prepare and consolidate reports for the future reference.

C. Composition of the Project Management Office

461. As of May 15, 2019, the NSCR PMO drew up a plan on its organizational structure and personnel as presented in Figure 10-2 and Table 10-3. According to the plan, the NSCR PMO will have seven divisions: (i) management; (ii) civil works; (iii) systems; (iv) rolling stock; (v) engineering support; (vi) environment, resettlement, ROW, legal; and (vii) administration and support. In addition, the office will have a total of 450 positions. As of August 2021, the NSCR PMO has filled a total of more than 300 positions including 81 positions specifically for the RAP implementation and has planned to keep recruiting new staff. The current 81 staffers dedicated for the RAP implementation are given tasks with land acquisition, resettlement, livelihood, or the GRM.

Figure X-2: Planned Structure of the NSCR PMO (as of 15 August 2021)



Source: DOTr

Table X-3: Planned Composition of the NSCR PMO (as of 15 May 2019)

No.	Division	Positions	No. of Positions
1	Management	Engineer Project Officer Project Development Officer	17
2	Civil Works	Engineer Architect Project Development Officer	180
3	Systems	Engineer	23
4	Rolling Stock	Engineer	11
5	Engineering Support	Attorney Project Development Officer Engineer	56
6	Environment, Resettlement and ROW, and Legal	Attorney Project Development Officer Community Development Officer Engineer Architect	128

7	Administration and Support	Project Development Officer Administrative Officer Budget Officer Accountant	35
Total			450

Source: DOTr

D. Partner Institutions

462. The DOTr as the IA cooperates with other government agencies to implement this RAP. The partner institutions are categorized as (i) project-wide partners at the national level and (ii) site-specific partners at the local level.

1. Project-Wide Partner Institutions

a. Project Inter-Agency Committee

463. PIAC is responsible for creating inter-agency policies or agreements regarding resources, information exchanges, and program linkages for effective implementation of the RAP in accordance with relevant laws of the Philippines, JICA Guidelines (2010), and ADB SPS (2009), and the policies outlined in this RAP. It is a project-wide coordination committee to make required resources, programs, and information available and accessible to local-level units of national departments and LGUs. PIAC was de facto established on 12 December 2018, and PIAC meetings have since been held three times. **The memorandum circular covering the PIAC will be formalized by 3rd quarter of 2023.**

464. The functions of PIAC are as follows:

- (i) Make a final approval of project-specific policies that will support the RAP implementation within the policies outlined in the RAP;
- (ii) Establish and support PIAC's Technical Working Group (TWG) and assist the NSCR PMO in the RAP implementation and the provision of social welfare benefits; and
- (iii) Review, deliberate, and provide resolutions and actions on grievances and complaints elevated to PIAC.

465. The composition of PIAC is shown in Table X-4

Table X-4: Composition and Member Agencies of the Project Inter-Agency Committee

Position	Member
Chair	DOTr
Co-Chair	DHSUD (formerly HUDCC)

Members	<ul style="list-style-type: none"> • Philippine National Railways (PNR) • Department of the Interior and Local Government (DILG) • Department of Trade and Industry (DTI) • Department of Labor and Employment (DOLE) • Department of Social Welfare and Development (DSWD) • Department of Education (DepEd) • Department of Health (DOH) • Department of Budget and Management (DBM) • Social Housing Finance Corporation (SHFC)
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Source: JICA Design Team and DOTr

466. The roles and responsibilities of PIAC members are summarized in Table X-5.

Table X-5: Roles and Responsibilities of PIAC Members

Agency/Organization		Roles and Responsibilities
1	DOTr (Undersecretary for Railways)	<p>Serve as the PIAC Chair and preside on all meetings of the committee;</p> <p>Present desired and specific policies needed to ensure the compliance to ADB and JICA guidelines and effective implementation of the RAP;</p> <p>Act on the matters elevated to PIAC by the GRM's local help desk in coordination with other partner agencies and based on the recommendations of the TWG; and</p> <p>Assign a dedicated secretariat to document meetings of the committee, prepare letters, set a meeting schedule and venue, consolidate reports, provide updates to member agencies, TWG, and its committees, and follow up on actions/reports of participating agencies, TWG, and its committees.</p>
2	DHSUD	<p>Serve as the PIAC Co-chair;</p> <p>If necessary, craft policies that will provide flexibility to the DOTr's partner key shelter agencies (KSAs) with regards to the provision of relocation sites to APs such as, but not limited to, the involvement of Pag-IBIG Fund and other socialized housing projects administered by non-government organizations (NGOs) or civil society organizations (CSOs); and</p> <p>Inform the committee on issues that can only be resolved at the PIAC level and recommend solutions.</p>
3	Other members	<p>Attend meetings;</p> <p>Approve and implement policies presented by the DOTr, the Chair;</p> <p>Sign all PIAC instruments on behalf of their agency; and</p> <p>Provide inputs and recommendations to address implementation issues.</p>

Source: JICA Design Team

b. Technical Working Group

467. Under PIAC is the TWG composed of representatives from the concerned PIAC members. The TWG is responsible for drafting policies and resolutions on RAP issues to be approved by PIAC. During the third PIAC meeting on 26 September 2019, the creation and composition of the TWG was agreed by representatives from agencies. The TWG may decide on matters pertaining to the RAP without a PIAC approval as long as the decision is clearly within the agreed actions and policies stated in the RAP.

468. The functions of the TWG are as follows.

- (i) Determine how to mobilize resources of PIAC member agencies to support the RAP implementation;
- (ii) Define other roles and responsibilities and corresponding deliverables of each member agencies/units in the RAP implementation including the LRIP;
- (iii) Identify gaps in policies and resources and inform department heads (when necessary) to allocate resources or create a policy at the PIAC level to ensure efficient implementation of this RAP; and
- (iv) Act upon RAP issues within its capacity and allocate resources when needed.

469. There are two clusters to be formed under the TWG: (i) Cluster for Relocation and Resettlement and (ii) Cluster for Livelihood and Income Restoration. These clusters may conduct meetings independently, but the DOTr may call for a joint meeting whenever necessary.

470. The composition of the TWG is summarized in Table X-6.

Table X-6: Composition of the Technical Working Group

Position	Agency/Organization
Chair	DOTr's Undersecretary for Railways/NSCR-Ex PMO Project Director
Co-chair	DHSUD

Member	<ul style="list-style-type: none"> • LGU's representative for livelihood Restoration (i.e., Public Employment Service Office (PESO)) • DSWD (Operations and Programs Group – Promotive Programs) • Technical Education and Skills Development Authority (TESDA) • PNR • LGU's representative for relocation (Local Housing Office (LHO)/Local Housing Board (LHB) Head) • Social Housing and Finance Corporation (SHFC) • Home Development Mutual Fund (HDMF or Pag-IBIG Fund) • Bureau of Internal Revenue (BIR) District Office • Department of Environment and Natural Resources – Land Management Bureau (DENR-LMB) • Philippine Overseas Employment Administration (POEA) • Construction Manpower Development Foundation (CMDf) under the Construction Industry Association of the Philippines (CIAP) • Small Business Corporation (SBC) under the DTI • Cooperative Development Authority (CDA) • PCUP • DA • DAR District Office • Commission on Human Rights (CHR) • DOH • DepEd
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Source: JICA Design Team and DOTr

471. The roles and responsibilities of TWG members are summarized in the table below:

Table X-7: Roles and Responsibilities of Members of the Technical Working Group

Position	Roles and Responsibilities
DOTr PMO Project Director	<ul style="list-style-type: none"> • Serve as the Chair of the TWG and preside on all meetings; • Draft the necessary policies being requested by PIAC members; • Recommend measures/resolutions on GRM cases that are elevated to the PIAC; • Supply all necessary data or information to National Government Agencies (NGAs) as needed; • Consolidate all reports presented by WG members and identify gaps in policies or areas where groups of APs are not yet served by any of the agencies and recommend solutions; and • Assign a dedicated secretariat.
DHSUD	<ul style="list-style-type: none"> • Serve as the Co-chair of the TWG; • Consolidate reports of member agencies regarding relocation and resettlement and present them to the committee; and • Identify gaps in the implementation of relocation of Informal Settler Families (ISFs) and recommend gap-filling measures.

TWG member	<ul style="list-style-type: none"> ● Attend meetings; and ● Review, update, and revise as necessary and recommend the respective Chief of Office on policies requested by the Chair of the PIAC; ● Submit reports or provide information as may be required by the committee; ● Inform the committee on implementation issues, if any, and recommend solutions; ● Act as a signatory to all TWG instruments on behalf of their agencies; and ● Responsible for cascading agreements, policies, and plans to the central and field offices or concerned sub-units including the function/role of their respective agencies as members of the PIAC.
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Source: JICA Design Team

C. Key National-Level Partners

472. Below are details of national-level government partners which have key responsibilities for the RAP implementation. Some of the agencies are key partners where the DOTr has the existing memorandum of agreement (MOA) that relates specifically to the project, and the others are valuable PIAC members (or both).

473. **Department of Human Settlements and Urban Development.** DHSUD, formerly HUDCC, is an executive department responsible for the management of housing and related development in the Philippines. It is mandated to coordinate and monitor activities of all government agencies undertaking housing projects including those of LGUs to ensure the accomplishment of goals of the government's housing programs. Thus, the DOTr has partnered with DHSUD for this project and a Memorandum of Agreement (MOA) was signed with the following DSHUD responsibilities (in addition to its responsibilities as the Co-chair of the PIAC):

- (i) Coordinate with other NGAs for the implementation of the RAP and the LRIP;
- (ii) Monitor activities of partner agencies in terms of the RAP implementation;
- (iii) Initiate the formulation of relocation programs for the project and draft policies to support and enable them;
- (iv) Adopt or sponsor policies to allow innovative relocation strategies;
- (v) Assist in the creation of the RIMC and the LIAC at each LGU;
- (vi) In coordination with the Housing and Land Use Regulatory Board (HLURB), consolidate inventory of vacant/idle land that may be used as relocation sites;
- (vii) Facilitate fast accreditation/registration of homeowners' associations;
- (viii) Coordinate with the Department of Education (DepEd) to facilitate the seamless transfer of students;
- (ix) Coordinate with the DOH to facilitate the seamless transfer of health records of APs to continue their access of health services in their new locations;

- (x) Ensure that all activities related to clearing and demolition of structures or eviction are in accordance with provisions of relevant laws;
- (xi) When necessary, contract a non-government organization (NGO) or create a dedicated group of staff within DHSUD to implement the LRIP envisioned in this RAP that is not covered by key shelter agencies (KSAs);
- (xii) Submit quarterly reports to the NSCR PMO on the progress and the results of its coordination and monitoring activities including, but not limited to, relocation site preparation, the number and names of APs relocated (from where to where), the schedule of relocation, the number and names of APs not yet relocated, target completion of all relocation activities, and other reports as may be required by the NSCR PMO; and
- (xiii) Provide data and documents as may be needed by EMA during project monitoring and evaluation.

474. **Social Housing Finance Corporation.** The DOTr has partnered with SHFC to implement its socialized housing program for the project through the MOA signed and duly notarized on December 20, 2018. In addition to its role as a PIAC member, SHFC's roles and responsibilities are as follows.

- (i) Assist in the validation of non-landowner AHs by initially cross-checking the validated master list against the Alphabetical Lists of Government Housing Beneficiaries;
- (ii) Implement the Community Mortgage Program (CMP) processes and procedures to ensure that the selection of resettlement sites involves the participation of APs;
- (iii) Identify and develop resettlement sites with all utilities, community facilities, and other related infrastructure;
- (iv) Assist LGUs and the DOTr in securing temporary accommodations or rental facilities for AHs for immediate transfer while waiting for the completion of housing units in resettlement sites;
- (v) Organize the transfer of non-landowner (NLO) families and provide transportation to temporary accommodations and resettlement sites⁶⁴;
- (vi) Submit quarterly reports of obligations and disbursement including a report of checks issued, as required by the NSCR PMO; and
- (vii) Perform other functions as necessary to effectively carry out the provisions of this RAP relating to NLOs or informer settler families (ISFs).

475. **Philippine National Railways.** The PNR is an attached agency of the DOTr and will provide the NSCR PMO with assistance as follows.

- (i) Supply information, data, or documents as necessary about the PNR's ROW and other PNR properties around the project area;
- (ii) Provide or allow access to PNR properties to participating agencies in the conduct of their activities related to the implementation of this RAP;
- (iii) Issue Notice to Vacate for non-landowner APs pursuant to the Implementing Rules and Regulations (IRR) of Section 28 of R.A. 7279;
- (iv) Provide lists of lessees/tenant within the PNR's ROW; and
- (v) Provide police force for the security of RAP implementers or for other purposes as needed.

⁶⁴ Funds to be provided by the DOTr from the RAP budget.

476. **Department of the Interior and Local Government (DILG).** The DILG as a national agency focused on local governments is responsible for the following.

- (i) Ensure cooperation of LGUs in the conduct of resettlement activities by exercising general supervision over local governments;
- (ii) Coordinate/Liaise with LGUs refusing the relocation of NLOs or ISFs from other cities or municipalities and determine possible assistance to accommodate relocatees;
- (iii) Provide capacity building to LGUs, particularly, the LHB, the Local Housing Office (LHO), and the Social Welfare, and Livelihood Office pertaining to the implementation of housing and resettlement programs as necessary; and
- (iv) Facilitate coordination between sending and receiving LGUs.

477. **Department of Trade and Industry (DTI).** The DTI will provide support to the LRIP implementation as follows.

- (i) Provide industry road mapping per receiving LGU;
- (ii) Facilitate access to grants, government soft loan programs through accredited micro-finance institutions (MFIs) or the Small Business Corporation (SBC), other forms of financial assistance including shared service facilities and equipment, and other support for micro, small, and medium enterprises (MSMEs) through NGAs;
- (iii) In coordination with the Department of Labor and Employment (DOLE), provide training and help create a network for establishing online businesses or other home-based enterprises for interested APs including homemakers, female household heads, persons with disability (PWDs), and the elderly; and
- (iv) Provide data and documents as may be needed by EMA during project monitoring and evaluation.

478. **Construction and Manpower Development Foundation under the Construction Industry Association of the Philippines.** The Construction and Manpower Development Foundation (CMDF) supports the construction industry by providing capacity building and training programs for its workforce. The CMDF will support the LRIP as follows:

- (i) Provide information on the skills required for construction and hard-to-fill jobs; and
- (ii) Link APs for employment to the “Jobs Jobs Jobs” program in connection with the “Build Build Build” program of the current administration.

479. **Small Business Corporation under the DTI.** The SBC will support the LRIP through its priority support, as follows.

- (i) Assist APs in accessing soft loans through government loan programs; and
- (ii) Link qualified APs to the Microfinance Institutions (MFIs) and banks to access a higher loan amount to help them re-establish their businesses.

480. **Department of Labor and Employment (DOLE).** The DOLE will similarly assist the LRIP through its mandate to support employment.

- (i) In coordination with the NSCR PMO, provide Kabuhayan Starter Kits or facilitate access to the DOLE's Integrated Livelihood and Emergency Employment Program (DILEEP), Kabuhayan Restoration Package (PhP10,000), and Nego-Kart (Negosyo sa Kariton) Project to qualified/trained vulnerable and underprivileged APs;
 - (ii) Provide labor market information on key employment generators (KEGs) and hard-to-fill and in-demand occupations (domestic and overseas) to serve as a basis in identifying relevant training programs for APs through Technical Education and Skills Development Authority (TESDA);
 - (iii) Conduct job fairs in affected areas;
 - (iv) Conduct career guidance and employment coaching to APs; and
 - (v) Provide data and documents as may be needed by EMA during project monitoring and evaluation.
481. **Philippine Overseas Employment Administration (POEA).** The POEA provides assistance to overseas workers and promotes overseas employment for Filipinos. For the project, it will be responsible for the following.
- (i) Conduct job fairs for overseas employment opportunities;
 - (ii) Provide a list of employment opportunities abroad that can cater to the type of available skills and skills training completed by APs; and
 - (iii) Provide data and documents as may be needed by EMA during project monitoring and evaluation.
482. **Technical Education and Skills Development Authority (TESDA).** TESDA serves as the Philippines' technical vocational education and training authority and will support the project as follows.
- (i) In coordination with the NSCR PMO, KSAs, DOLE, and the DTI, conduct series of skills training for APs;
 - (ii) Facilitate the provision of financial support to APs during training including food and transportation allowances and compensation for their daily income loss (for wage-based earners) incurred due to participation in training⁶⁵;
 - (iii) Partner with other institutions offering technical and skills development courses particularly where needed training is not included in its regular course list;
 - (iv) Offer scholarship or training vouchers to APs;
 - (v) Assist APs in acquiring desired certifications (such as NCII); and
 - (vi) Provide data and documents as may be needed by EMA during project monitoring and evaluation.
483. **Department of Social Welfare and Development (DSWD).** The DSWD is responsible for the protection of social welfare rights of Filipinos and the promotion of social development. Following are its responsibilities:
- (i) In coordination with the NSCR PMO and KSAs, validate and qualify vulnerable and underprivileged APs based on their National Household Targeting System for Poverty Reduction;
 - (ii) Ensure that APs who are members of 4Ps will continually enjoy the benefits of the program and include in the program qualified APs who are not yet members of 4Ps;

⁶⁵ Funds will be transferred by the DOTr to TESDA.

- (iii) Validate senior APs for the Social Pension Program for Indigent Senior Citizens (SPISC) and facilitate their inclusion in the program;
- (iv) Assist APs who are not qualified under DTI/DOLE programs in qualifying for employment and livelihood opportunities provided by the DSWD for the vulnerable and underprivileged, i.e., *Trabahong Lansangan Program* (“street jobs program”), capacity building, capital resource provision, and market linkage;
- (v) Assign social workers to assist and monitor vulnerable and underprivileged households during relocation and after relocation; and
- (vi) Provide data and documents as may be needed by EMA during project monitoring and evaluation.

484. **Cooperative Development Authority (CDA).** The CDA promotes sustained growth and development of cooperatives in the Philippines and will contribute to the LRIP. Other responsibilities are enumerated below:

- (i) Assist APs in organizing cooperatives;
- (ii) Conduct free seminars on cooperative development in areas accessible to APs;
- (iii) Facilitate the fast registration of APs’ cooperatives;
- (iv) Provide links to funding agencies and grants to help APs’ cooperatives start their operation;
- (v) Provide market links for their products and services; and
- (vi) Provide data and documents as may be needed by EMA during project monitoring and evaluation.

485. **Home Development Mutual Fund (HDMF).** The HDMF or Pag-IBIG Fund supports adequate housing through an effective savings scheme. For the project, it will conduct the following.

- (i) Provide a list of Pag-IBIG foreclosed properties to the NSCR PMO to inform APs of available options they have for assisted-resettlement;
- (ii) Conduct housing exhibits in each LGU twice before the ROW clearing; and
- (iii) Facilitate a fast approval of housing loans by assigning a special lane for interested APs.

486. **Presidential Commission for the Urban Poor.** The PCUP serves as the direct link of the urban poor to the government in policy formulation and program implementation addressed to their needs. For the project, the PCUP will conduct the following.

- (i) Observe and monitor the issuance of Notices to Vacate/Notice of Eviction in case APs refuse to sign an ADRI and prepare corresponding reports;
- (ii) Participate in pre-relocation consultation meetings with APs;
- (iii) Assist the NSCR PMO in linking with concerned agencies as regards the provision of basic services and facilities such as roads, schools, livelihood sites, material recovery facilities (MRFs), and clinics;
- (iv) Monitor all demolition and eviction activities involving underprivileged and homeless citizens in accordance with its mandate and Executive Order (E.O.) No. 152 as amended by E.O. 708 and E.O. 69;
- (v) Prepare reports on the compliance or non-compliance of the activities;

- (vi) Document the actual conduct of relocation and dismantlement of structures and orient the NSCR PMO on the guidelines in the implementation and supervision of actual demolition and eviction pursuant to Sections 27, 28, and 30 of R.A. 7279 and its Implementing Rules and Regulations (IRR);
- (vii) Facilitate a pre-demolition conference whenever necessary; and
- (viii) Assist in securing the Eviction and Demolition Compliance Certificate from the responsible department /office of the LGU prior to the implementation of relocation/dismantling operations.

487. **Commission on Human Rights (CHR).** The CHR is an independent constitutional office with the primary function of investigating all forms of human rights violations involving civil and political rights in the Philippines. For the project, the CHR will perform the following:

- (i) Monitor and observe the conduct consultations and eviction and demolition operations; and
- (ii) Monitor the provision of basic social services at the relocation sites.

488. **Department of Agrarian Reform.** The Department of Agrarian Reform (DAR) is responsible for the redistribution of agrarian land in the Philippines. The department will conduct the following:

- (i) Provide recommendations and inter-agency support to fast-track land conversion for the project and social housing purposes, where needed;
- (ii) Provide/validate data on land ownership obtained through comprehensive land reform programs such as, but not limited to, Emancipation Patents (EP) and Certificate of Land Ownership Award (CLOA);
- (iii) In coordination with LGUs, support the PMO in researching land for land opportunities for APs;
- (iv) In coordination with LGUs, facilitate land conversion for social housing purposes;
- (v) Identify agricultural lands suitable for conversion to the residential use for socialized housing purposes; and
- (vi) Provide data and documents as may be needed by the EMA during project monitoring and evaluation.

489. **Department of Environment and Natural Resources.** The DENR is responsible for governing and supervising the exploration, development, utilization, and conservation of the country's natural resources. Specifically, for the project, the DENR will conduct the following.

- (i) Facilitate the fast titling of untitled land that is suitable for relocation sites;
- (ii) Provide inter-agency links to fast-track the process of securing the environmental compliance certificate (ECC) and other environmental permits related to social housings;
- (iii) Recommend solutions to issues related to land titling; and
- (iv) Facilitate the issuance of certifications for alienable and disposal lands as supporting documents to untitled lands that will be subject to ROW acquisition.

490. **Department of Finance (DOF).** The DOF formulates revenue policies that will ensure funding of critical government programs that promote welfare

among Filipinos and accelerate economic growth and stability. For the project-related resettlement and land acquisition activities within this RAP, the DOF will have specific duties as follows.

- (i) Direct, through an appropriate circular, the Bureau of Internal Revenue (BIR) to allow partial payment of an estate or inheritance tax for ROW-affected properties instead of paying for all properties owned by the deceased;
 - (ii) Facilitate the issuance of documentary requirements relating to EJS cases; and
491. Facilitate the on-time issuance of BIR ruling and electronic certificate authorizing registration (eCAR) for the lot titling for relocation sites.

1. Site-Specific (Local-Level) Partner Institutions

492. Site-specific partners refer to offices, units, or special bodies in the LGUs which will complement the functions and responsibilities of the key departments/agencies of government earlier mentioned. These local partners will serve as the implementing arms of the LGUs and will work directly with APs.

493. **RAP Implementation and Management Committee.** The RIMC will be the venue for NSCR PMO to coordinate activities in the implementation of the RAP at the city/municipal level. It will be responsible for channeling information across LGU offices and the NSCR PMO to bridge gaps in policies and resources and promptly deliver assistance and responses to APs.

494. The RIMC will have the following functions.

- (i) Draft and approve project-specific policies applicable at the local level that are not against and may not be covered by the provisions of the approved RAP;
- (ii) If necessary, request the municipal or city council to pass a resolution to reduce penalties for delinquent business operators, i.e., those operating without business permits and real property taxpayers;
- (iii) Provide oversight functions in the planning, implementation, and monitoring and evaluation of resettlement-related activities including, but not limited to:
 - Implementation and monitoring of rental allowances;
 - Development, establishment, and implementation of public rental facilities;
 - Implementation of self-relocation options; and
 - Provision of resettlement assistance to legal/private affected households.
- (i) Implement the LRIP particularly for the following:
 - Affected businesses, e.g., commercial, agricultural, aquaculture, institutional, industrial, and manufacturing;
 - Affected micro-enterprises (home-based or non-home based); and
 - Displaced employees/workers of affected businesses.
 - Gender-responsive interventions such as women participation in skills training, access to credit facilities to enhance homelife and income of affected APs.

- (i) Act as the implementing arm of the TWG and the NSCR PMO for the actual execution of plans and programs for resettlement, livelihood restoration, and the provision of social services at each LGU;
- (ii) Consolidate and mobilize resources at the local level to hasten efficient implementation of the RAP; and
- (iii) Review, deliberate, and provide resolutions and actions on grievances elevated to the RIMC.

495. Table X-8 presents the composition of the RIMC.

Table X-8: Composition of the RIMC

Committee		Members
1	Main Committee	<ul style="list-style-type: none"> • Chairman: DOTr's NSCR-Ex PMO Project Director • Co-Chairman: Chief Executive, city/municipality <u>Members</u> <ul style="list-style-type: none"> • DOTr's Legal Office Representatives • DOTr's Right-of-Way and Site Acquisition (ROWSA) Committee Representative • LGU's Administrator/Legal Office Representative • LGU's Housing and Resettlement Office (HRO)/LHO Head • LGU's Local Economic and Investment Promotions Office (LEIPO)/PESO/City Development Office (CDO) Head • LGU's Assessor's Office Representative • LGU's Engineering Office Representative • LGU's Business Permit and Licensing Office (BPLO) Representative • LGU's Social Welfare Department Representative • DTI Representative • SHFC Representative • Barangay Chairperson • Representative of formal APs • Representative of ISFs
2	Sub-committee on ROW Acquisition	Head: NSCR-Ex PMO <u>Members</u> <ul style="list-style-type: none"> • DOTr's Legal Office Representative • LGU's Legal Office • LGU's Assessor's Office Representative • LGU's BPLO Representative • LGU's Engineering Office Representative
3	Sub-committee on Relocation	Head: NSCR-Ex PMO <u>Members</u> <ul style="list-style-type: none"> • LGU's LHO Head • SHFC Representative • CHR Representative • LGU Representative • Representative of legal APs • Representative of ISFs
4	Sub-committee on Livelihood Restoration	Head: NSCR-Ex PMO <u>Members</u> <ul style="list-style-type: none"> • LGU's LEIPO/PESO/CDO

		<ul style="list-style-type: none"> • DTI Representative • TESDA Representative • LGU's SWD • Representative of legal APs • Representative of ISFs
5	Sub-committee on Grievance	<p>Head: NSCR-Ex PMO</p> <p><u>Members</u></p> <ul style="list-style-type: none"> • DOTr's Legal Office Representative • LGU's Legal Office Representative • Barangay Chairperson • Representative of legal APs • Representative of ISFs

Source: JICA Design Team

496. Table X-9 describes the roles and responsibilities of RIMC members.

Table X-9: Roles and Responsibilities of RIMC Members

Agency/Organization		Roles and Responsibilities
1	PMO Project Manager	<ul style="list-style-type: none"> • Serve as the Chair of the RIMC and preside on all meetings; • Gather all other issues related to the project, ROW acquisition, relocation, livelihood restoration, and grievances and discuss with RIMC members for appropriate actions; and • Assign a dedicated secretariat.
2	LGU's Chief Executive	<ul style="list-style-type: none"> • Serve as the Co-chair of the RIMC; • Make available local resources, networks, and programs for the project to prevent duplication of works and tasks; • Identify lands for relocation sites and public rental facilities; • In coordination with local offices, make information and resources available and accessible to project implementers; and • Instruct LGU officers, staff, and barangay officials to give full cooperation to project implementers which includes the on-time provision of services and, if needed, coordination to other agencies.
3	DOTr's Legal Office Representative	<ul style="list-style-type: none"> • Provide a legal opinion on EJS cases and other land acquisition issues; • Coordinate with NGAs and LGU offices to determine how APs can be assisted by the DOTr in securing documents regarding their properties; • Draft and review project-related policies; and • Initiate the filing of expropriation cases if needed.
4	City Administrator/Legal Office Representative	<ul style="list-style-type: none"> • Provide a legal opinion on grievances and issues related to local policies and processes; and • Provide legal advice and assistance on how APs can secure documents regarding their properties.

5	Barangay Chairperson	<ul style="list-style-type: none"> ● Disseminate accurate information to constituents; ● Gather issues from barangay residents and businesses and present them to the committee for discussion; and ● Disseminate accurate information to barangay residents and businesses as discussed in the committee meeting.
9	Other members	<ul style="list-style-type: none"> ● Attend meetings and provide updates on the progress of tasks assigned to their office/unit; and ● Inform the committee on implementing issues and recommend solutions.

Source: JICA Design Team

497. As far as the four RIMC's sub-committees are concerned, their roles and responsibilities are summarized in Table X-10.

Table X-10: Roles and Responsibilities of the RIMC's Sub-Committees

Sub-committee	Function	Roles and Responsibilities
Sub-committee on ROW Acquisition	<p>The Sub-committee on ROWA will work with the DOTr's TWC/ROWSA Committee in land and other real property acquisition. It will be composed of representatives from the ROWSA Committee, the DOTr's Legal Office, and the following LGU offices: (i) Legal Office, (ii) City Assessor's Office, (iii) BPLO Representatives, and (iv) Engineering Office. A representative from legal APs will also be elected as a member of this sub-committee.</p>	<ul style="list-style-type: none"> • Monitor issuance of the NoT; • Review and verify the list of affected real properties; • Conduct due diligence on the documents presented by a property claimant; • Expedite, as appropriate, the issuance of certified true copies of Tax Declaration for land and improvements or improvements only as well as other documents that may be required. • Expedite, as appropriate, the issuance of tax clearances; • Facilitate the issuance of business permits/licenses to APs who operate their own businesses; • Make representations, as appropriate, to the city/municipal councils to request for necessary resolutions that would relax stringent local ordinances that may inflict financial burdens to APs; • Identify other means to assist APs in securing necessary documents to avoid expropriation as much as possible; and • Prepare a list of legal APs who refuse the OTB and endorse it to the DOTr's Legal Department for the filing of expropriation cases.
Sub-committee on Livelihood Restoration	<p>The Sub-committee on Livelihood Restoration will work with the DOTr's PMO in the implementation of LRIP. It will be composed of representatives from an LGU's LEIPO/PESO/CDO/SWD, the DTI, TESDA, and representatives from legal and informal APs.</p>	<ul style="list-style-type: none"> • Prepare an action plan for the LRIP in coordination with the LGU concerned offices, the DTI, and TESDA; • Identify gaps and address them; • Execute the action plan along with the creation of special programs for affected APs and businesses; • In coordination with TESDA and other government agencies, conduct a series of skills training and financial management training; • Inform APs on skills required during construction and operation of the project; • Assist affected businesses and APs who want to engage in MSMEs in re-establishing/establishing their businesses; • Conduct due diligence on the number and identity of employees who will lose jobs due to the closure of businesses as a result of ROW acquisition; • Assist displaced wage-based APs in finding similar works with equal pay in a place near relocation sites; • Support city/municipal social welfare

		<p>departments in the provision of rehabilitation assistance to vulnerable groups amounting to Php15,000 in the form of skills training and development; and</p> <ul style="list-style-type: none"> • Lobby an LGU's PESO or livelihood office for the prioritization of livelihood implementation.
Sub-committee on Grievance	<p>The Sub-committee on Grievance will work hand-in-hand with the DOTr's PMO in the implementation of the GRM. It will be composed of representatives from the DOTr's Legal Office, an LGU's City Legal Office, Barangay Chairperson, representatives of formal APs, and representatives of informal APs.</p>	<ul style="list-style-type: none"> • Maintain the Help Desk that is accessible to APs; • Provide responses or offer solutions to grievances in a timely manner; • Endorse unresolved grievances to appropriate levels of the GRM; and • Document grievance processes that APs go through and how they are resolved.

Source: JICA Design Team

499. RIMC will be a coordination committee for the overall acquisition of the ROW in the city covered. Chaired by the DOTr, it will lead and initiate all ROW acquisition activities on the ground including compensation of all APs such as (i) business owners, (ii) landowners, (iii) legal and informal households, and (iv) all other persons that will be affected by the project.

500. **Local Government Units.** LGU assistance for subsurface acquisition will come from specific offices that can facilitate fast processing of documentary requirements for ROW acquisition.

501. **LGU Assessor's Office.** Advise or assist APs to secure necessary documents related to their affected properties.

502. **LGU Planning Office.** Provision of updated Comprehensive Land Use Plan (CLUP) as reference for assessment of original economic purpose of the land.

CHAPTER XI : RAP IMPLEMENTATION SCHEDULE

A. Implementation Schedule of Construction

503. Civil works in this section is targeted to commence construction in the Tunnel Section in July 2023 with a target completion by end of 2029.

B. Schedule of RAP

504. The general implementation schedule for the RAP is shown in Table XI-1. This schedule will be updated periodically by the Project Management Office (PMO) and shared among the members of the Project Inter-Agency Committee (PIAC), Technical Working Group (TWG), and RAP Implementation Management Committee (RIMC). For the institutional arrangements for RAP implementation, please refer to Chapter 9. The activities presented in Table 10-1 are explained in detail below. The schedule includes not only the acquisition of the subterranean section of the land but also the surface land in the event of refusal to the IA's offer by the LO or upon determination of the original economic purpose of the remaining land cannot be retained. A Due Diligence Report (DDR) will be prepared by DOTr confirming the intentions of APs with respect to agreement to or refusal of the subterranean easement agreement. The DDR will be shared with ADB and JICA. Should any APs refuse the subterranean easement agreement, an Addendum RAP/ Updated RAP, will be prepared for the agreement by ADB and JICA.

C. RAP Implementing Institutions

505. **Creation of PIAC, TWG, RIMC, GRM.** It refers to the creation of special units to assist DOTr in implementing the RAP. As discussed in Chapters 9 and 10 of this RAP, PIAC and TWG have been created and a RIMC and a Helpdesk were set-up in the LGU of Manila.
506. **Mobilization of LIAC.** In case of necessity, the DOTr through the DHSUD and SHFC calls for the convening or re-convening of LIAC per LGU through an executive order.
507. **Appointment of APs representatives to RIMC/LIAC.** It indicates when an AP is nominated and selected as representative of the APs in their respective LIAC/RIMC.
508. **Set-up Helpdesk and GRM.** The GRM was set-up during the DED phase and will continue to operate until the completion of the construction of the project. Details on the set-up and processes of GRM is discussed in Chapter 9.

D. Land Acquisition

509. **Joint Site Validation of RAP Surveys.** It refers to the process of verifying the responses of APs in the socio-economic survey, validating claims of ownership on affected properties, and determining the applicable entitlement and compensation for every household, business, and property owner.
510. **Issuance of Notice of Taking.** Once the list of affected properties and rightful owners are identified, validated, and finalized, the list will be forwarded to the Office of the Undersecretary for Railways for his approval. Once this is secured, the PMO will issue the Notice of Taking (NoT) signed by USec for Railways, through registered mail or face to face issuance. As the initial NoT will contain intention to acquire the subterranean section of the lot and requirements submission, the LO's decision on whether to allow the perpetual easement which leads to the preparation and issuance of an Offer to Compensate and Perpetual Easement Agreement that will be annotated in their land title or express refusal, which may lead to the preparation of Notice of Taking for the ground surface properties, the negotiated sale mode will now be triggered. The timely issuance of NoT provides ample time for APs to prepare the required documents for compensation, and to avoid expropriation due to non-submittal of such. The date when the PAP received the NoT marks the cut-off-date for legal APs and no more improvement of structures may be done thereafter. Any improvements introduced after issuance of NoT will no longer be compensated.
511. Prior to the issuance of NoT, DOTr will provide a notice of information with regards to the location of the final alignment to the respected LGU. This notice will serve as the basis of LGU to revoke the building permit for those structures that are under construction and to stop any issuance of building permit within the approved project alignment.
512. **Procurement of IPA/GFI Services and Appraisal of Affected Properties.** Indicates the date of procurement of appraiser and appraisal of affected properties by the GFIs, and the duration of work. The result of this appraisal becomes the basis of the amount indicated in the Letter Offer to each AP.
513. **Issuance of Offer to Compensate, Issuance of Offer to Buy.** Once the properties have been appraised and RAP has been approved by JICA and ADB, NSCR-Ex PMO will, upon submission of the GFI report, start the issuance of Offer to Compensate (OTC) for the acquisition of the subterranean section of their land by segment. It does not need to wait for the GFI to finish the appraisal for the whole alignment. Upon the concurrence and certification of the TWC, the Undersecretary for Railways will issue the Letter Offer through registered mail or in person. The 30-day policy in accepting the offer starts from the day the AP receives the Letter Offer based on the records of the registered mailing service or in case of in person issuance, the date of actual receipt of offer. If negotiated sale of surface properties is triggered as discussed above, after the Notice of Taking under Negotiated Sale is issued to LO, a subsequent issuance of the Offer-to-Buy or Offer-to-Compensate will be done.

514. **Payment to APs.** DOTr, upon the concurrence of the TWC, will initiate payment of compensation to APs after 30 days upon the issuance of OTB. Initial payment of compensation cost to legal APs will be paid only after DED RAP approval by JICA and ADB.
515. **Expropriation Proceedings.** Filing for expropriation will ensue if (i) the AP refuses the offer of DOTr or (ii) the AP failed to present required documents to support his/her claim of ownership to the affected property within 30 days upon receipt of OTC. Expropriation proceedings are explained in detail in Chapter 4 and 6 of this RAP.
516. **Relocation of Utilities.** Subsurface acquisition will not result to relocation of utilities because the depth of the tunnel tube is 11-25m from the surface. Water lines or canals will not be affected as a Tunnel Boring Machine will be used, which will be launched in FTI station going to the MMSP-Senate Station. The overlapped FTI Station IR impacts are covered under the Makati-Buli RAP.

E. Monitoring of RAP Implementation

517. **Set-up Monitoring Agents.** The Internal Monitoring is undertaken by the DOTr PMO. External monitoring is undertaken by an EMA engaged by the DOTr. Upon completion of disbursement of compensation and assistance in any given section, the EMA will prepare a completion report to provide verification of payment of compensation and other entitlements to APs in accordance with the entitlement matrix and fully disbursed to APs in the area in question. The compliance report will be reviewed by ADB and JICA prior to clearance to the contractor for civil works commencement for each section. Please refer to Chapter 13 for details on the internal and external monitoring program.

F. Arrangements for Implementation of RAP

518. Implementation of the RAP is undertaken by the PMO with the assistance from the RIMC, and in coordination with the respective LGUs through LIAC. The roles and responsibilities are briefly described in Chapter 10. As reflected in the implementation schedule, the creation of the NSCR-Ex PMO, RIMC and coordination with LGUs started in December 2018. As part of the Grievance Redress Mechanism, a Central Hotline was set up in December 2018, and Help Desks will be set up for Manila in March 2021.

G. Information Dissemination and Consultation

519. All information on resettlement activities – from pre-relocation to post-relocation – as discussed in the first part of this report, resettlement will not likely be implemented under this RAP and will be subject to DDR to report on acceptance and/or refusal to the offer of the IA and the original economic purpose of the land is not retained. Subsequently, an Addendum RAP will be prepared when IR impacts are observed, if warranted. Nonetheless, relocation

information was made available to APs and concerned parties throughout the project in accordance with the communication plan developed for the Project. This includes information on the legal framework, eligibility criteria, processes and documents for relocation and receiving just compensation, options for resettlement sites, as well as compensation and other forms of assistance. Mechanisms for information disclosure at each stage of project implementation is presented in Chapter 7 of this RAP.

Table XI-1: Implementation Schedule

[illegible]

CHAPTER XII : COST AND BUDGET FOR RESETTLEMENT AND ACQUISITION OF LAND ASSETS

A. Estimated Cost

520. The cost for implementing the RAP for the NSCR-Ex Tunnel Section is **PhP947,661.27** presented in Table XII-1 while details of the cost are discussed further in the succeeding sections.

521. The budget in this version of the RAP is based on values obtained from the Replacement Cost Study (RCS) conducted and prepared during the Project DED phase of RAP preparation. This will, however, consequently be amended once valuation of the Independent Property Appraiser (IPA) is undertaken and completed.

522. Final appraisal of the IPA/GFI of affected properties will be the basis to assess payment rates for land, structures, trees, and crops. The result of this appraisal will be the compensation amount indicated in the Letter Offer to each AP. (Chapter 4, Section J describes the principles and methodology for determining compensation at replacement cost.)

523. The RAP budget will be updated and finalized during the implementation of this RAP following assessment of the documentary requirements submitted by the APs and reports from the independent property appraiser. DOTr as the implementing agency shall provide fund allocation for the implementation of this RAP.

524. Following determination of compensation to be paid, DOTr will update the RAP with respect to the updated budget and submit to ADB and JICA for review and this will serve as the basis for RAP implementation monitoring.

Table XII-1: Estimated RAP Implementation Cost

Activity	Cost Item	Qty/Unit	Amount (Php)	Remarks
A. Land and Structures Acquisition	Private Land (subterranean)	13 parcels	1,723,100.00	Estimated based on the RCS (PhP 8,615,500.00 market value of land x 20%)
	Government Land and unknown owner road lots (subterranean)	29 parcels	-	Government to Government arrangement, as applicable
	Associated Cost	Assortment	143,632.09	Cost for transfer, land title registration and issuances
	Subtotal for (A)		1,866,732.09	

B. RAP Implementation and Monitoring	Cost for RAP Implementing Institution		1,500,00.00	Budget for operating RAP implementation Management Committee (RIMC) and Local Inter Agency Committee (LIAC), if applicable
	Cost to operate GRM		592,120.00	Office supplies and recurring expenses to operate the Help Desk
	Cost for continuing information disclosure		30,850.00	Printing of information materials
	Internal monitoring cost		4,800,000.00	During RAP Implementation
	External monitoring cost		-	Mobilization of External Monitoring Agency (EMA) will be incorporated in Makati-Buli budget for RAP monitoring
	Allowance on hardship due to vulnerability	10 AH	100,000	Allowance for vulnerable AHs at Php10,000 per AH
	Subtotal for (B)		5,522,970.00	
Total (A+B)			7,389,702.09	
C. Contingencies and Other Costs	Administrative Cost		221,691.06	3% of Total (A+B)
	Contingency		738,970.21	10% of Total (A+B)
	Subtotal for (B)		960,661.27	
Grand Total (A+B+C)			8,350,363.36	

Note: Price escalation is not considered

B. Land and Structures Acquisition⁶⁶

525. Land acquisition cost was prepared based on the Replacement Cost Survey. Refer to Appendix 2 Vol. 2 (Summary of the Replacement Cost Study) for further details. The Replacement Cost Survey for the structures will only be undertaken upon declaration if these are affected due to non-acceptance of OtC and after the original economic purpose assessment will result to surface land acquisition.

1. Cost of Affected Land

⁶⁶ The cost is based on the results of the Replacement Cost Survey data.

526. Based on the Replacement Cost Survey (RCS), there is a total 13 affected private lots. The cost per RCS is **PhP1,723,100.00, which is equivalent to 20% of the market value of the private land**. In the event that surface land acquisition will be required, the DDR will indicate the nature of the impacts, and if warranted, an Addendum RAP will be prepared to discuss in details the IR impacts. On the other hand, there are 29 parcels of land owned by other government agencies including unknown owners of road lots, procurement of which will be through a government to government MOA on the use of the subterranean portion, which will be prepared and signed between the DOTr and the government agency who owns the land.

2. Associated Cost for Land Acquisition

527. Computation for associated cost is shown in Table 12-2. This includes the issuance of necessary documents such as Notice of Taking and Offer to Buy of subterranean section of the land, among others. This was computed based on prevailing cost per registered mail. Cost for land title registration includes registration of deeds at PhP 344.93 for each affected parcel to be acquired; transfer tax computed at 0.50% of market value, documentary stamp tax computed at 1.50% of market value, and capital gains tax to be shouldered by DOTr computed at 6% of the market value of land.

Table XII-2: Associated Costs for Land Acquisition (Unit: Php)

Particular	Cost Item	Unit Cost	QTY/Amount	Total Cost
		(Php)		(Php)
Issuance of Notice of Taking	Registered mail	50	13	650.00
Issuance of Offer to Buy	Registered mail	50	13	650.00
Land Title Registration	Registration of Deeds	344.93	13	4,484.09
	Transfer Tax (0.50% of selling price or market value whichever is higher)	0.50%	PhP1,723,100.00	8,615.50
	Documentary Stamp Tax (1.50% of selling price or market value whichever is higher)	1.50%	PhP1,723,100.00	25,846.50
	Capital Gains Tax (6% of selling price or market value whichever is higher)	6%	PhP1,723,100.00	103,386.00
Total				143,632.09

C. Allowance on Hardship Due to Vulnerability

528. Vulnerable households are entitled to 1-time hardship allowance of PhP10,000.

Table XII-3: Allowance for Hardship Due to Vulnerability

No. of Beneficiaries (Vulnerable AHs)	Unit Cost (PhP)	Total Amount (PhP)
10	10,000	100,000.00

D. LRIP Cost

529. The estimated number of Livelihood Restoration and Improvement Program (LRIP) participants in the Tunnel Section is based on the number of APs in employable age who are eligible for LRIP training as described in detail in Chapter 8 of this RAP, if truly affected. As this version of the RAP is assuming no displacement will take place, the estimated cost in the LRIP Chapter will not be included in the computation of budget and will be for reference only.

E. RAP Implementation and Monitoring

1. Cost to Operate RAP Implementing Institutions

530. The budget for the operation of RAP Implementing Institutions is summarized in Table 10-3. The estimated cost is calculated based on a lump sum for each LGU. For the RIMC, cost items may include the following: (i) honorarium for LGU personnel to be assigned to RIMC, (ii) budget for processing of Certified True Copies (CTC) of documents and other requirements needed by the APs, particularly those who are indigent; (iii) budget for meetings to be held between DOTr and the LGU; and (iv) other incidental costs, which are not yet identified as of the preparation of the RAP.

531. For the LIAC, this may consist of additional budget for the following: (i) honorarium to non-regular members (if any); (ii) meals and transportation during site visits as part of RAP implementation; (iii) reproduction of forms to be filled up by APs, as part of SHFC requirements, (iv) other unanticipated incidental expenses.

Table XII-4: Budget for RAP Implementing Institutions

Section	RIMC	LIAC	Total
Tunnel Section	1,000,000	500,000	1,500,000.00

2. Cost to Operate Grievance Redress Mechanism

532. The budget for the implementation of the Grievance Redress Mechanism (GRM) is summarized in Table 13-2.

Table XII-5: Budget for GRM Implementation

Particular	Frequency/Qty	Sections	Unit Cost (PhP)	Total (PhP)
Laptop/Desktop	1 unit	1	40,000	40,000.00
Ink for Printer	1 units*60 months	1	600	36,000.00
Printer	1 unit	1	10,000	10,000.00
Cellphone	3 unit	-	20,000	60,000.00
Internet Connection/Prepaid Load	3 pieces (Load Card) *60 months	-	1,000	180,000.00
Paper	25 reams	1	300	7,500.00
Paper Clips	1 box	1	50	500.00
Expandable Envelope	500 units	1	25	12,500.00
Fastener	5 boxes	1	50	250.00
Stapler	1 unit	1	150	150.00
Staple wires	2 units	1	50	100.00
Tape	2 units	1	50	100.00
Magfile Closed	1 unit	1	150	150.00
Puncher	1 unit	1	190	190.00
Correction Tape	5 units	1	20	100.00
Ball pen	25 pcs	1	20	500.00
Storage Box	5 units	1	800	4,000.00
Logbook	1 unit	1	80	80.00
Transportation Cost	60 months	-	4,000	240,000.00
Total	-	-	-	592,120.00

3. Cost for Continuing Information Disclosure

533. The budget for Information Disclosure and Stakeholder Consultation is summarized in Table 13-5.

Table XII-6: Cost for Information Disclosure

Particular	Posting/ Distribution	Total Number to be Printed	Frequency	Unit Price* (PhP)	Total Amount (PhP)
NSCR-Ex Poster	Help Desk /Barangay Halls	2	1	300.00	600.00
Map Alignment	GRM Help Desk at the LGU	3	1	1,000.00	3,000.00
Backdrop with standee		3	1	2,200.00	6,600.00
EJS Flowchart (Pull-up banner)		3	1	2,200.00	6,600.00
Drop Boxes		3	1	450.00	1,350.00
Security Lock		3	1	100.00	300.00

Bulletin Board		3	1	500.00	1,500.00
Public Information Brochure (English)	Help Desk/SCMs	100	2	17.00	3,400.00
Public Information Brochure (Tagalog)		100	2	13.00	2,600.00
GRM Brochure (Tagalog)		100	1	17.00	1,700.00
GRM Brochure (English)		100	1	17.00	1,700.00
GRM Flyers	SCMs	100	1	5.00	500.00
PIB Flyers		100	2	5.00	1,000.00
Total					30,850.00
*Prices as of 2 September 2021					

4. Internal Monitoring Cost (During RAP Implementation)

534. Internal monitoring will be conducted over a period of 48 months with a PhP 100,000-unit cost per month. The total lump sum cost is f PhP 4,800,000.00. Cost items are similar to budget provided for RAP implementation but for a longer period. Aside from DOTr's own requirement, this also includes for both RIMC and LIAC.

5. External Monitoring Cost

535. DOTr will hire an External Monitoring Agent (EMA) for the external monitoring after the mobilization of the General Consultant. After mobilization, the EMA will prepare the monitoring reports as indicated in Chapter 13. The cost for the EMA for this RAP will be incorporated in the budget of the Makati-Buli RAP.

6. Funds for RAP Implementation

536. DOTr will be responsible for the allocation of the resettlement and land acquisition budget. This will include funds for the implementation of the RAP, including compensation, relocation and livelihood assistance, internal and external monitoring. The estimated resettlement costs (used for assessment of compensation) are based on the prevailing market rates of the materials in 2018 will be updated by DOTr prior to the implementation period, in case there will be affected structures. The NSCR-Ex Project Management Office/RIMC, in coordination with its other internal department or committee and LIAC, will handle the compensation and payments of the APs. A budget will be made available in case of surface land acquisition. As the need for permission to access is needed underground and there is no urgency needed to relocate or demolish surface structures, negotiation to expedite the payment of lot will be

prioritized, with other compensations coming in second with all required compensation and allowances provided prior to displacement.

537. If unanticipated involuntary resettlement impacts are found during project implementation, the DOTr will set out the scope of such impacts in due diligence report for submission to ADB. An addendum RAP or RAP updating will be done, as needed, based on the IR impacts found during the due diligence activities as required by the ADB.

CHAPTER XIII : MONITORING AND EVALUATION

A. Purpose of Monitoring and Evaluation

538. The DOTr has put in place a monitoring system that tracks (i) whether the planned resettlement activities for affected persons (APs) are delivered (e.g., whether compensation for lost assets are promptly paid, and according to replacement costs, etc.) and (ii) whether the planned activities contained in the resettlement action plan (RAP) such as relocation and livelihood restoration achieve desired outcomes.

539. Internal monitoring tracks the progress in the delivery of physical and financial targets, resettlement assistance, and other entitlements. To this end, an internal monitoring form (Please see Appendix 4 Vol. 3 Internal Monitoring Report Template) will be utilized to present progress. On the other hand, external monitoring assesses the results and impacts of the RAP implementation and the extent to which RAP objectives are achieved.

B. Institutional Arrangement

540. Internal monitoring is being conducted by the NSCR PMO, while external monitoring will be carried out by independent monitoring specialists with the EMA procured in October 2020. EMA will be involved in the project prior to the RAP implementation, and its terms of reference (TOR) is presented in the appendices of this RAP (Please see Appendix 5 Vol. 3 Terms of Reference of External Monitoring Agent).

a. Internal Monitoring

541. The tasks and obligations of the NSCR PMO pertaining to internal monitoring are the following.

- (i) Supervise and monitor the RAP implementation on a regular basis;
- (ii) Review if the RAP is implemented as designed and planned and if not report any gaps, and issues and provide recommendations to address these;
- (iii) Collect and analyze key resettlement data (gender-disaggregated, as well as information on the vulnerable AHs whenever possible) for reporting;
- (iv) Verify if funds are released in a timely manner and if the amount is sufficient for each activity and purpose;
- (v) Validate compensation paid and verify if 100% compensation is paid prior to relocation;
- (vi) Review grievances to ensure that they are recorded and addressed properly in a timely manner; and
- (vii) Prepare required monitoring reports based on the format prescribed in the RAP monitoring form.

b. External Monitoring

542. The RAP requires the engagement of EMA, which will not be involved in day-to-day project implementation or supervision but will verify the RAP's monitoring indicators and provide advice on safeguard compliance issues. If any critical involuntary resettlement issues are identified, EMA will prepare a time-bound corrective action plan. Also, EMA will prepare and submit semi-annual reports to the DOTr, JICA, and ADB, review documents and reports, hold discussions with project implementers and key stakeholders, conduct site inspection, and consult with APs. Main tasks of EMA are summarized as below:

- (i) Review of internal monitoring reports;
- (ii) Assess the extent to which consultation and disclosure activities are inclusive, accessible, and effective in conveying key information from the RAP as well as provide conditions for APs to contribute to decision-making which affects them, for example, on resettlement and livelihood restoration;
- (iii) Verify if compensation and assistance is provided in accordance with the requirements specified in the RAP, checking whether it is done 100% prior to incurrence of losses or relocation;
- (iv) Assess whether resettlement objectives are likely to be achieved and specifically assess whether livelihood and living standards are restored or enhanced;
- (v) Suggest modifications in the implementation procedure of the RAP, if necessary, to achieve its principles and objectives;
- (vi) Review of how compensation rates are evaluated;
- (vii) Validate compensation paid and verify if 100% compensation is paid prior to relocation;
- (viii) Review the effectiveness of the grievance redress mechanism (GRM) and its accessibility and responsiveness to resolving complaints; and
- (ix) Prepare corrective action plans when necessary.

C. Reporting

543. The NSCR PMO will submit internal monitoring reports to JICA and ADB. The monitoring reports sent to JICA and ADB will be disclosed on their websites. The different types of monitoring reports to be prepared either by the NSCR PMO or EMA are summarized in **Error! Reference source not found..**

Table XIII-1. Monitoring Reports

Type of Report		Internal Monitoring	External Monitoring	Frequency	Responsible Party	Submit to Whom
1	Inception Report		✓	One month after mobilization	EMA	EMA ⇒ DOTr, JICA, and ADB
2	Monthly Monitoring Report	✓		Monthly submission from the commencement of RAP validation on the progress	PMO	PMO
3	Quarterly Monitoring Report	✓		Quarterly submission from the commencement of RAP	PMO	PMO ⇒ JICA and ADB

				validation until completion of the loan		
4	RCS Verification Report		✓	Following finalization of the IPA/GFI Replacement Cost Study report and prior to updated RAP implementation	EMA	DOTr, JICA, and ADB
5	Post-completion Evaluation Report	✓	✓	Three months after the completion of payment of compensation, six months following completion of relocation to permanent relocation sites, two years after the completion of relocation focusing on the Livelihood Restoration and Improvement Program (LRIP)	PMO/EMA	PMO ⇒ JICA and ADB
6	Semi-annual Monitoring and Evaluation Report	✓	✓	Every six months until the end of the loan closing	PMO/EMA	PMO ⇒ JICA and ADB EMA ⇒ DOTr, JICA, and ADB
7	Final Report	✓	✓	Upon loan closing	PMO/EMA	PMO ⇒ JICA and ADB EMA ⇒ DOTr, JICA, and ADB

Source: JICA Design Team

544. **Inception Report.** The inception report will be prepared by EMA one month after the notice to proceed (NTP) for the EMA engagement. The report will set forth the proposed methodology for achieving objectives of external monitoring, the finalized monitoring indicators, and reporting formats. The report will be reviewed and revised to address comments from the NSCR PMO prior to its finalization.

545. **Monthly Monitoring Report.** The NSCR PMO conducts monthly monitoring on RAP implementation activities and prepares a monthly monitoring report. The monthly monitoring report focuses on the following:

- (i) Progress of the RAP implementation in light of the planned activities including land acquisition and resettlement activities such as: status of clearing of the Project ROW, number of AHs who have transferred to resettlement sites; and number of AHs who are still in the Project ROW, to name a few
- (ii) AHs and other stakeholders' consultations held, and key issues raised;
- (iii) Grievance redress cases and measures to address the cases;
- (iv) Schedule, status, and completion of compensation payment activities during the reporting period;
- (v) Identification and resolution of pending issues of the previous months; and

- (vi) Recommendations and solutions for issues and challenges faced during implementation.
546. **Quarterly Monitoring Report.** The NSCR PMO prepares and submits a quarterly monitoring report to the DOTr, JICA, and ADB. The report includes a monitoring form which clearly identifies the proposed inputs, outputs, and indicators. The draft quarterly monitoring report form is attached in the appendices of this RAP (Please see Appendix 6 Vol. 3. Quarterly Monitoring Report Form).
547. **Post-completion and Evaluation Report.** The NSCR PMO will prepare a post-completion and evaluation report at the following stages of the RAP implementation: (i) upon completion of compensation disbursement and assistance with regards to any given section to be handed over for civil works. The report will include verification if the resettlement implementation is in compliance with the provisions defined in the approved DED RAP and verification if payments of compensation and other entitlements to APs were in accordance with the entitlement matrix and fully disbursed to APs. The report will include a section on vulnerable APs. The compliance report will be reviewed by ADB and JICA and disclosed on ADB website prior to clearance to the contractor for civil works commencement for each section; (ii) three months after completion of compensation payment; (iii) six months following completion of relocation to permanent relocation sites; and (iv) two years after completion of relocation focusing on the livelihood restoration and improvement program (LRIP). The EMA also needs to prepare the evaluation report to confirm the information provided in the post-completion and evaluation reports prepared by the NSCR PMO. Through the report, the evaluation will be made in accordance with the agreed monitoring indicators and reporting formats to assess the extent to which living standards and livelihood of APs have improved or are viable and meet at least national minimum standards. The assessment will also indicate whether the assistance provided is appropriate and whether the DOTr needs to modify its assistance to enable the achievement of the RAP objectives.
548. The evaluation will assess the extent to which living standards and livelihoods of APs are viable and meet at least national minimum standards in accordance with the agreed monitoring indicators and reporting formats. The assessment will indicate whether the assistance provided is appropriate and whether the DOTr needs to modify the assistance to enable the achievement of these objectives.
549. **Semi-annual Monitoring and Evaluation Report.** Semi-annual monitoring and evaluation activities are undertaken respectively by the NSCR PMO and EMA every six months until loan closing. The semi-annual monitoring and evaluation report will provide updates on the monitoring indicators as detailed in Table 14-2.
550. **Final Report.** The final report will be prepared respectively by the NSCR PMO and EMA upon loan closing and evaluate if RAP objectives are achieved.

D. Monitoring Indicators

551. For internal monitoring, relevant indicators and means of verification are shown in Table 14-2, and guide questions are listed in Table 14-3. On the other hand, external monitoring indicators are presented in Table 14-4, and the relevant guide questions are listed Table 14-5.

552. As far as temporary impacts due to construction works are concerned, the impacts will be monitored and reported as part of monitoring activities of the environment management plan (EMP) and will be also reflected in internal and external social monitoring reports mentioned above.

Table XIII-2: Internal Monitoring Indicators

N o.	Category	Checklist	Means of Verification
1	Institutional arrangement for the RAP implementation and capacity building	Establishment of necessary institutions within the DOTr for the RAP implementation (names/dates of establishment)	DOTr NSCR PMO structures and related orders
		Status of signing of an agreement/Memorandum of Agreement (MOA) with other/external agencies (names/dates of signing)	Status of MOAs
		Status of recruitment of land acquisition and resettlement staff	Monthly record of staff number and their assigned position
		Details of capacity building of the staff engaged in the RAP implementation	Training records and attendance sheets
		Details of orientation workshops for other/line agencies involved in the RAP implementation	Training records and attendance sheets
2	Fund availability and allocation	Availability of required funds with the DOTr for the RAP implementation as planned	Allocated funds compared to planning
		Allocation of funds to resettlement agencies as per schedule (names of agencies/dates of transfer/amount etc.)	DOTr fund transfer records and hearing from agencies on downloaded funds and dates
3	Identification and notification	Number of APs who agreed to negotiated sale	Record of returned letter of OTB against total number of OTB sent
		Number of APs for expropriation cases	DOTr records on number of expropriation cases against total number of OTB sent
		Number of Informal Settler Families (ISF)s/APs	Finalized Master List
		Issuance of the Notice of Taking (NoT), the Offer to Buy (OTB), etc.	DOTr records of issued NoT/OTB compared to planning

		Identification and verification of ISFs/APs	DOTr validation records
		Identification and verification of APs eligible for housing schemes	DOTr validation records
		Identification and verification of APs eligible for social housing schemes	DOTr validation records, NHA validation records
		Identification and verification of APs ineligible for social housing schemes	DOTr validation records/NHA validation records
		Identification and verification of vulnerable APs	DOTr validation records
		Identification and verification of other APs with no permanent dwelling	DOTr validation records
		Identification and verification of LRIP beneficiaries	Final list of LRIP Beneficiaries
4	Payment of compensation and self-relocation	Status of completion of a validation and replacement cost survey	GFI reports
		Status of finalization of the Master List for self-relocation	Finalized Master List
		Payment of full compensation for land, structures, and other properties/improvements/assets	Record of payment status compared to planned payments schedule and amount, and Interview to APs
		Details of payment of various assistances to APs (including rental subsidies, food allowances, transportation allowances, etc.)	Record of payment status compared to planned payments schedule and amount, and Interview to APs
		Status of payment of various assistance for APs	Record of payment status compared to planned payments schedule and amount, and Interview to APs
		Number of APs who receive special vulnerable assistance	Record of payment status compared to planned payments schedule and amount, and Interview to APs
		Number of Signed ADRI	Signed ADRI and Interview to APs
5	Project-assisted resettlement	Number of APs availing of economic housing units and Pag-IBIG housing support	Final Master List
		Number of APs resettled	DOTr records on AP's resettlement status
		Number APs who relocate to temporary accommodation	DOTr records of relocation status to temporary accommodation

		Number of APs resettled at public rental facilities	DOTr records of relocation status to public rental facilities
		Number of APs who receive special vulnerable assistances	DOTr records of provision status of special assistance
6	Consultation and disclosure	Number of consultations with APs during resettlement preparation	Record of consultations and participant lists
		Number of consultations with APs for site selection	Record of consultations and participant lists
		Number of disclosures of communication materials including construction schedules disseminated	List of distributed materials and Interview to APs
		Number of women and vulnerable groups/people participated in consultation	Record of consultation / attendance sheet and Interview to APs
7	LRIP	Number of identified livelihood restoration and improvement measures	Finalized LRIP for each APs
		Number of identified APs with specific livelihood restoration program	Finalized LRIP Beneficiary list
		Number of signed agreements with service providers	Signed MOAs / Agreements
		Number of conducted LRIP workshops	Records of Workshop and attendance sheet
		Number of assistances provided for financial management	Records of provided assistance/organized training
		Number of Assistance provided for securing soft loans	Records of provided assistance/provided soft loans and participant lists
		Number of provided Vocational training	List of provided training and participant lists
		Number of employment opportunities to APs during construction of the project versus the percentage of APs who obtain employment	Records of Job fairs/APs who were hired and participant lists
8	GRM	Number of the Hotline established	Operational phone numbers Records of phone calls
		Number of operational Help Desks / RIMC Sub-committee on Grievance	Record of grievances received and addressed per level
		Number of established and operational Help Desks	Established Help Desk with photos
		Number of trainings for GRM staff completed	Record of training and participant lists
		Number/type of grievances received at each level	GRM records in the GRM database
		Number of resolved/unresolved grievances	GRM records in the GRM database

9	Restoration of public facilities	Number/type of public facilities to be restored	Verified As-build Master List
		Number/type of public facilities restored	DOTr records/Onsite visit compared to As-build Master List
10	Handover of land for civil works	Total Area/length of the ROW handed over by the PNR	MOA
		Total Area/length of other government-owned land handed over	MOA
		Total Area/length of private land handed over	Handover documents <u>For land only:</u> Permit to Enter issued by the landowner <u>For land and structure with same owner:</u> Permit to Enter with Removal of Structure <u>For structure only:</u> ADRI
11	Gender-disaggregated resettlement and rehabilitation information	Number of woman-headed families	Final AH Master List
		Number of woman-headed families which opt for self-relocation	Record of PAHs' relocation preference based on DOTr validation
		Number of woman-headed families which receive full compensation	Final AH Master List compared to records of compensation payment
		Number of woman-headed families which receive all kinds of assistance	Final PAH Master List compared to records of assistance provided
		Number of woman-headed families which opt for assisted relocation	Final list of beneficiaries of social housing
		Number of women's group consultation meetings organized	MOMs, attendance sheets
		Number of woman-headed families which complete self-relocation	Final AH Master List compared to records of compensation payment
		Number of woman-headed families which obtain assisted-relocation	Final list of beneficiaries of social housing/Public Rental Facilities
		Number/type of the LRIP opted by woman-headed families	Final list of LRIP Beneficiaries
		Number/type of the LRIP participated by woman-headed families	Records of organized training and participant lists

Source: JICA Design Team and DOTr.

Table XIII-3: Guide Questions for Internal Monitoring

No.	Category	Guide Questions	Means of Verification
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1	Recruitment, training, and deployment	Have all land acquisition and resettlement staff been appointed and mobilized for field and office works on time to meet the RAP implementing schedule?	DOTr's NSCR PMO list of staff and NSCR PMO Organizational structure
		Have capacity building and training activities on the GRM been completed on schedule?	Organized training and attendance sheets compared to planned schedule Post Activity Report/Minutes of the conducted training
		Are all DOTr staff attending to GRM concerns provided with sufficient training and orientations prior to deployment?	Organized GRM training and attendance sheets Competency assessment before deployment
2	Budget	Are funds for resettlement and livelihood being allocated to resettlement agencies on time?	Transfer records compared to planned schedule
		Have KSAs received the scheduled funds?	Transfer records compared to planned schedule
		Have funds been disbursed according to the RAP?	Records of disbursement compared to RAP
3	Timeframe	Were RAP Implementation Management Committees (RIMCs) established and mobilized as planned?	MOA and meeting minutes compared to planned implementation schedule
		Are resettlement activities being achieved compared to the agreed implementation schedule?	Records of resettlement activities status compared to implementation schedule
		Was the validation of Government Financial Institutions (GFIs) pertaining to fair market values for land, crops, and trees and replacement costs for structures and improvements completed on time?	Submission of valuation reports compared to the planned implementation schedule
		Has the LRIP phase started as scheduled?	Records of the implemented LRIP compared to the planned implementation schedule
		Have all NoT been issued to property owners?	Records of issuance of the NoT compared to the Master List
		Were all OTB delivered on time?	Records of the issuance of OTB compared to the implementation schedule and the Master List
		Was due diligence of submitted ownership documents completed on time?	Comparison with the planned implementation schedule

		Have all lands been acquired and vacated on time for project implementation?	Records of land acquisition compared to the Master List and the planned implementation schedule
4	ROW acquisition documentation	How many Extra Judicial Settlement (EJS) cases were assisted and able to be processed as negotiated sale?	Records of land acquisition negotiations status and number of EJS cases compared to the Master List
		How many cases with Real Property Tax (RPT) arrears were assisted and processed as negotiated sale?	Records of land acquisition negotiations status and number of RPT cases compared to the Master List
		How many expropriation cases were filed?	Records of land acquisition negotiations status compared to the Master List
		How many expropriation cases filed resolved?	Records of resolved expropriation case
		How many APs opted to revert to negotiated sale?	Records of land acquisition negotiations status and number of reverted cases compared to the Master List
5	Delivery of compensation and entitlements	Has the final Entitlement Matrix updated during the DED Phase been presented to APs?	Records of SCMs and attendance sheets
		Have all APs received entitlements according to amounts and categories of the loss set out in the EM?	Records of payment for compensation compared to the planning, and interview to APs
		Have APs received payment for affected structures and lands on time?	Records of payment for compensation compared to the planning, and interview to APs
		Have APs received the agreed transport costs, relocation costs, income restoration support, and any resettlement allowances, according to schedule/as required?	Records of payment for compensation compared to the planning, and interview to APs
		Have replacement land plots or contracts been provided? Was the land developed as specified? Are measures to provide land titles to PAHs ongoing?	List of the provided replacement lands compared to the planning, and interview to APs
		How many APs have availed housing as per relocation options in the RAP?	Final Master List of APs, if availed of government economic housing, or bought another property on their own
		Are APs occupying new houses?	Site visits to check occupancy of new residence.

		Are assistance measures being implemented as planned for host communities?	Records of assistance provided to host communities and interviews to LGUs
		Is restoration proceeding for social infrastructure and services conducted?	DOTr record on number of the provided social infrastructure and interviews to LGUs
		Have affected businesses received entitlements including transfer and payments for the net loss resulting from lost business and stoppage of production?	DOTr record on payment for compensation comparing to the plan, and interviews to APs
6	Resettlement		
		Does the housing quality meet the agreed standards?	Verification of constructed housing and basic infrastructure provided compared to agreed standards in the RAP
		Are APs able to access schools, health services, and cultural sites at the pre-relocation level?	Location of social infrastructure in area of destination and interviews to APs and comparison with the SES
		Was rental subsidy for a temporary accommodation provided on time and are APs renting/staying per agreed standard?	Records of Landbank disbursement and visit to temporary accommodations
		Have APs found temporary accommodations on time?	Submission of documents required for rental subsidies compared to planned schedule
		How many APs are ineligible for social housing, and have they been provided with Public Rental Facilities?	Final Master List of APs and list of provided Public Rental Facilities
7	LRIP	Are income and livelihood restoration activities being implemented as set out in the plan? For example, the utilization of replacement land, the commencement of production, the number of APs trained and provided with jobs, micro-credit disbursed, the number of income-generating activities assisted.	Comparison of records of organized LRIP activities compared to the planned ones
		How many eligible APs have participated in the LRIP?	<ul style="list-style-type: none"> Number of APs who participated in organized training compared to finalized list of LRIP beneficiaries

		Among the eligible APs, how many are poor, elderly, single headed households and PWD?	<ul style="list-style-type: none"> Number of soft loans provided compared to finalized list of LRIP beneficiaries
		Has the livelihood of APs been restored or improved?	Interviews to APs and comparison with the SES
		Were job fairs organized as planned? How many?	Number of organized job fairs compared to planned, and participant lists
		Were APs hired for construction-related jobs? (i) how many are vulnerable people? (ii) how many are women?	Monthly reports from contractors on the number of hired APs
8	Public participation and consultation	Have all post-RAP SCMs been conducted prior to RAP implementation?	Records of SCMs and attendance sheets compared to implementation activities, photo documentation
		Have other types of consultations taken place as scheduled including meetings, groups, and community activities?	Records of consultations compared to schedule and attendance sheets, photo documentation
		Have appropriate resettlement information dissemination materials (i.e., leaflets) been prepared and distributed?	Number and type of distributed information education communication materials and interviews to APs to verify the appropriateness
		How many APs know their entitlements? How many APs know if they have been qualified to receive entitlements?	Interviews to APs 2 nd SCM minutes of the meeting
9	GRM	How many APs have used the grievance redress procedures? What were the outcomes?	GRM action status recorded in the GRM database
		Were sufficient number of staff allocated at each Help Desk?	List of Help Desk staffing compared to planning
		Were appropriate tools and resources provided at each Help Desk?	List of provided resources compared to planning
		Were complaints and grievances addressed in a timely manner?	GRM action status recorded in the GRM database and interview to APs
		Have grievances been resolved?	GRM action status recorded in the GRM database
		How many cases were resolved at the levels of the Help Desk, the RIMC, the PIAC?	GRM action status recorded in the GRM database
		How many court cases were filed due to unaddressed grievances?	GRM action status recorded in the GRM database on court cases filed

10	Benefit monitoring / Impact Evaluation	What changes have occurred in patterns of occupation, production, and resource use compared to the pre-project situation?	Interview with APs and comparison with the SES results
		What changes have occurred in income and expenditure patterns compared to the pre-project situation? What have been changes in costs of living compared to the pre-project situation? Have AHs' incomes kept pace with these changes?	Interviews with APs and comparison with the SES results
		What changes have taken place in key social and cultural parameters relating to monitoring indicators?	Interviews with APs and comparison with the SES results
		What changes have occurred for vulnerable groups?	Interviews with APs and comparison with the SES results

Source: JICA Design Team and DOTr.

Table XIII-4: External Monitoring Indicators

No	Category	Basis for Indicators	Means of Verification
1	Institutional arrangement for the RAP implementation	Establishment of the NSCR PMO with required staffing for the RAP implementation	DOTr's NSCR PMO structure and related order
		Adequacy of knowledge and experience of the NSCR PMO for the RAP implementation	Discussions with the NSCR PMO
		Effectiveness of undertaken capacity building measures	Discussions with the NSCR PMO and records of training with gender-disaggregated participant lists
		Establishment of PIAC	Consultations with the DOTr and the order issued for PIAC establishment
		Signing of the MOA with the SHFC	Signed MOA
		Establishment of the RIMC	Signed MOA with LGUs
		Establishment of the GRM as per the RAP provision	Consultations with the DOTr and visits to the local help desk
		Availability of required funds with the DOTr	Allocated funds compared to the plan
		Allocation of funds to resettlement agencies as per schedule	DOTr's transfer records compared to the and hearing from agencies regarding downloaded funds

2	Adequacy of resettlement planning	Finalization of the DD RAP	ADB, JICA, and DOTr review, and approval of the DD RAP
		Compliance of the RAP with JICA and ADB policies	Review of the DD RAP and comparison with the JICA Guidelines for Environmental and Social Considerations (2010) and ADB's Safeguards Policy Statement (SPS, 2009)
		Adequacy of provided entitlements	Review of the DD RAP and interviews with male and female APs on the adequacy of provided entitlements
		Availability and adequacy of SES database based on DED surveys	Verification of the SES database
		Verification of the RCS <ul style="list-style-type: none"> - Adequacy of methodologies and standards for determining compensation rates; - Ability of APs to replace affected assets with received compensation 	Review of the RCS and interview with male and female APs pertaining to compensation amounts and their ability to replace affected assets
		Establishment of an internal monitoring system	Discussions with the NSCR PMO and review of internal monitoring reports
		Availability, accessibility, and adequacy of internal monitoring reports	Internal monitoring reports
	3 Delivery of entitlements	Disbursed compensation as per the entitlement matrix	Records of disbursement compared to the planned schedule
		Disbursed entitlements on time and before displacement	Records of disbursement compared to the planned schedule
		Adequate time given through a notification for self-relocation	Records of the notification issuance compared to the plan and interviews with male and female APs
		Number of provided replacement land plots	Records of provided replacement land plots
		Quality of new plots and issuance of land titles	Interview with male and female APs and records on issued land titles
		Number of ISFs provided with adequate information to avail of economic housing	Records of SCMs, attendance lists including gender information of

			attendees, and consultations with APs
		Quality of economic and private housing	Field verification compared to the set standards and interviews with male and female APs
		Availability of infrastructure at relocation sites	On-site verification compared to the plan
		Availability of transitional rental assistance until housing schemes become available	Records of disbursement compared to the plan
		Project assistance for APs who opt for economic housing	Records of provided assistance compared to the plan; recipient APs disaggregated by gender
		Timely disbursement of agreed assistance to APs	Records of disbursement compared to the plan and interviews with male and female APs
		Number of special assistances provided for vulnerable APs in the resettlement process	Records of gender-disaggregated APs provided with special assistance compared to the plan
		Satisfaction level of APs with availed housing	Interviews with male and female APs
4	Consultations and grievances	Consultations organized as scheduled including meetings, groups, and community activities	Records of consultations with gender information of participants indicated compared to the plan
		Knowledge of APs on their entitlements	Interviews with male and female APs
		Conduct of consultation meetings exclusively with women	Records of consultations and gender disaggregated participant lists
		Conduct of consultation meetings exclusively with vulnerable groups	Records of consultations with identified vulnerable households and gender-disaggregated participant lists
		Dissemination of communication materials to APs in local languages	List of distributed materials, and documentation of actual dissemination
		Knowledge of APs about the GRM including the local help desk	Interviews with male and female APs
		Accessibility of the GRM to APs	Interviews with male and female APs
		Information on resolution of grievances	Records on the GRM database

		Timing of grievances redressed as per schedule	Records on the GRM database and interviews with male and female APs
		Proper communications on GRM decisions to APs	Records on the GRM database
5	LRIP	Inclusion of APs under rehabilitation programs (data disaggregated by gender and vulnerable group)	Final list of LRIP beneficiaries disaggregated by gender
		Availability and adequacy of vocational and entrepreneurial training	Interviews with male and female APs and records of provided training to APs disaggregated by gender
		Availability of soft loans for APs	Interviews with male and female APs and records of provided soft loans
		Availability of employment opportunities	Interviews with male and female APs and records of organized job fairs
		Satisfaction level of LRIP assistance	Interviews with male and female APs disaggregated by gender
		Number of successful enterprises (data disaggregated by gender and vulnerable group)	Interviews with male and female APs
		Number of displaced persons who improve their incomes (data disaggregated by gender and vulnerable group)	Interviews with male and female vulnerable displaced APs and comparison with the SES results
		Number of displaced persons who improve their standard of living (data disaggregated by gender and vulnerable group)	Interviews with male and female vulnerable displaced APs and comparison with the SES results
		Number of displaced persons with agricultural replacement land lots (data disaggregated by gender and vulnerable group)	Records of provided replacement land lots indicating gender and vulnerability of recipients
		Quantity of land owned or contracted by displaced persons (data disaggregated by gender and vulnerable group)	Interviews with male and female APs; monthly monitoring progress reports
6	Benefit monitoring	Changes occurred in patterns of occupations, production, and resource use compared to the pre-project situation	Interviews with male and female APs and comparison with the SES results
		Changes occurred in income and expenditure patterns compared to the pre-project situation	Interviews with male and female APs and comparison with the SES results

	Changes occurred in key social and cultural parameters	Interviews with male and female APs and comparison with the SES results
	Changes occurred for vulnerable groups	Interviews with vulnerable male and female APs and comparison with the SES results

Source: JICA Design Team and DOTr.

Table XIII-5: Guide Questions for External Monitoring

No	Category	Guide Question	Means of Verification
1	ROW acquisition process	How many APs who signed ADRIs vacated structures as agreed?	Records of negotiations on land acquisition
2	Delivery of entitlements	Were entitlements disbursed according to the number and the category of losses set out in the entitlement matrix?	Records of disbursement compared to the entitlement matrix and the master list
		Was disbursement made to meet the timeline?	Records of disbursement compared to the schedule
		Has the identification of displaced persons losing land temporarily, e.g., through soil disposal, borrow pits, and the contractor' camps, been included?	Records of validation activities
		Was the disbursement of the agreed transport, relocation, income substitution support, and any available resettlement allowances made in a timely manner according to the schedule?	Records of payment, payment schedule, and recipients of compensation and assistance compared to the plan
		Were replacement land plots provided? What was the quality of new plots and issuance of land titles?	Records of the provision of replacement land, issued land titles, and interviews with male and female APs
		Are social infrastructure and services restored?	List of constructed social infrastructure compared to the plan
		Are LRIP activities being implemented as set out in the program, for example, utilizing replacement land, commencement of production, the number of the displaced persons trained for employment with jobs, disbursed microcredit, and the number of assisted income-generating activities?	Records of the land-for-land provision, the number of organized training and gender-disaggregated attendance sheets, the number of organized job fairs, and the number of provided soft loans

		Have affected businesses received entitlements, including transfer and payment for net losses resulting from business closedown?	Records of compensation payment and comparison with the master list
3	Consultations and grievances	Are consultations organized as scheduled including meetings, groups, and community activities?	Records of SCMs compared to the plan
		Do APs have knowledge of their entitlements?	Interviews with male and female APs
		How many APs have used the local help desk?	Records on the GRM database
		How many cases have been resolved?	Records on the GRM database
		Which information on the implementation of the social preparation phase is available to APs?	Interviews with male and female APs
4	Communications and participation	How many general meetings were held (for both men and women)?	Records of SCMs and gender-disaggregated attendance lists
		What is the percentage of women out of total participants?	Records of SCMs and gender-disaggregated attendance lists
		How many meetings were held exclusively with women?	Records of SCMs and gender-disaggregated attendance lists
		How many meetings were held exclusively with vulnerable groups?	Records of SCMs where gender-disaggregated participants are all vulnerable
		How many meetings were held at new sites?	Records of SCMs
		How many meetings were held between host communities and displaced persons?	Records of SCMs
		What is the level of participation in meetings (data disaggregated by gender and vulnerable group)?	Records of SCMs and gender-disaggregated attendance lists
		What is the level of information communicated? Is it adequate or inadequate?	Records of SCMs and interview with male and female APs
		Was information properly disclosed?	Records of SCMs with disclosed information and interview with male and female APs
		Was the translation of information disclosure in local languages available?	Records of SCMs with disclosed information and interview with male and female APs

5	Budget and time frame	Were land acquisition and resettlement staff appointed and mobilized on schedule for field and office works?	Staffing records compared to the plan
		Were capacity building and training activities completed on schedule?	Records of training compared to the plan
		Were resettlement implementation activities achieved compared to the agreed implementation plan?	Records of disbursement of funds for activities compared to the plan
		Were funds for resettlement agencies allocated on time?	Records of fund transfer compared to the schedule
		Were the scheduled funds received by resettlement offices?	Records of fund transfer and interview with resettlement offices
		Were the funds disbursed according to the DD RAP?	Records of fund transfer compared to arrangements in the RAP
		Were social preparation activities implemented as per schedule?	Record of organized activities compared to the implementation schedule
		Was land acquisition and occupation in time for implementation?	Records of land acquisition compared to the schedule
6	Resettlement and relocation	Were APs provided with adequate information, consulted on their preferences, and guided on procedures to avail of social housings?	Records of gender-represented consultations and interview with male and female APs
		Did APs participate in the selection and design of social housing locations and options?	Records of meetings and interviews with male and female APs
		Was adequate information on economic housing provided to relocating APs timely?	SHFC records on the provision of economic housing of recipients disaggregated by gender compared to the schedule
		Was transitional assistance such as transportation allowances provided?	Records on disbursement compared to the plan
		Was rental assistance provided until social housing are available for eligible APs?	Records on the disbursement of rental subsidies by the LBP compared to the master list and records on resettlement to social housing
		What is the percentage of relocated APs who are able to pay amortizations?	Records on the SHFC's collection of amortizations of payers disaggregated by

			gender compared to the master list
		What is the percentage of relocated APs satisfied with economic housing??	Interviews with male and female APs and the list of APs disaggregated by gender occupying social housings
		Was the management of the SHFC adequate?	Auditing with the SHFC and interviews with male and female APs
7	LRIP	What is the number of displaced persons under rehabilitation programs (data disaggregated by gender and vulnerable group)?	Final list of LRIP beneficiaries
		What is the percentage of APs eligible for LRIP assistance who register in the program (data disaggregated by gender and vulnerable group)?	Final list of vulnerable and gender-disaggregated APs who register in the LRIP compared to the list of LRIP beneficiaries
		What is the percentage of eligible APs applying for soft loans?	Records on APs disaggregated by gender who apply for soft loans compared to the master list
		What is the percentage of successful applications for soft loans?	Record of APs disaggregated by gender who are provided with soft loans compared to the list of APs who apply for
		What is the number of displaced persons and eligible APs who receive vocational or entrepreneurial training (data disaggregated by gender and vulnerable group)?	Records on organized training and attendance lists compared to the final list of LRIP beneficiaries
		What is the type of training and the number of participants for each training?	Records of organized training and attendance lists including gender information of attendees
		What is the number and percentage of displaced persons covered under the LRIP (data disaggregated by gender and vulnerable group)?	List of LRIP beneficiaries compared to the AH master list
		What is the number of displaced persons who restore their incomes and livelihood patterns (data disaggregated by gender and vulnerable group)?	Interviews with vulnerable male and female APs
		How many new jobs are generated?	Interviews with male and female APs, and LRIP implementer

	What is the extent of participation in rehabilitation programs?	Records on the participation of APs compared to the list of LRIP beneficiaries disaggregated by gender
	What is the extent of participation in vocational training programs?	Records on the gender-disaggregated participation of APs in training programs compared to the list of LRIP beneficiaries
	What is the level of satisfaction with LRIP assistance?	Interviews with male and female APs
	What is the percentage of successful enterprises reaching break-even (data disaggregated by gender and vulnerable group)?	Interviews with male and female APs and comparison with the SES results
	What is the percentage of displaced persons who improve their incomes (data disaggregated by gender and vulnerable group)?	Interviews with male and female APs and comparison with the SES results
	What is the percentage of displaced persons who improve their standards of living (data disaggregated by gender and vulnerable group)?	Interviews with male and female APs and comparison with the SES results
	What is the number of displaced persons who are given agricultural land lots as a replacement for land loss (data disaggregated by gender and vulnerable group)?	Records of provided replacement land lots
	What is the quantity of the land owned or contracted by displaced persons (data disaggregated by gender and vulnerable group)?	Interviews with male and female APs and land ownership documents

Source: JICA Design Team and DOTr.